



Journal of the House

State of Indiana

122nd General Assembly

First Regular Session

Thirty-Seventh Day

Monday Morning

April 12, 2021

The invocation was offered by Chaplain Matt Barnes of the Public Servant's Prayer.

The House convened at 11:00 a.m. with Speaker Todd M. Huston in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Jeter.

The Speaker ordered the roll of the House to be called:

Abbott	Karickhoff
Andrade	King
Austin	Klinker
Aylesworth	Lauer <input type="checkbox"/>
Baird	Ledbetter <input type="checkbox"/>
Barrett	Lehe
Bartels	Lehman
Bartlett	Leonard
Bauer	Lindauer
Behning	Lucas <input type="checkbox"/>
Borders	Lyness
Boy	Manning
Brown, T.	May
Campbell	Mayfield
Carbaugh	McNamara
Cherry	Miller <input type="checkbox"/>
Clere	Moed
Cook	Morris
Davis	Morrison <input type="checkbox"/>
Davisson	Moseley
DeVon <input type="checkbox"/>	Negele
DeLaney	Nisly
Dvorak <input type="checkbox"/>	O'Brien
Eberhart <input type="checkbox"/>	Olthoff <input type="checkbox"/>
Ellington	Pack <input type="checkbox"/>
Engleman	Payne
Errington	Pfaff
Fleming	Pierce
Frye <input type="checkbox"/>	Porter
GiaQuinta	Prescott
Goodrich	Pressel
Gore	Pryor
Gutwein	Rowray <input type="checkbox"/>
Hamilton	Saunders
Harris	Schaibley
Hatcher <input type="checkbox"/>	Shackleford
Hatfield <input type="checkbox"/>	Slager
Heaton	Smaltz
Heine	Smith, V.
Hostettler	Snow <input type="checkbox"/>
Jackson <input type="checkbox"/>	Soliday
Jacob	Speedy <input type="checkbox"/>
Jeter	Steuerwald
Johnson	Summers <input type="checkbox"/>
Jordan	Teshka
Judy	Thompson

Torr
VanNatter
Vermilion ☐
Wesco

J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 395: 81 present; 19 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, April 13, 2021, at 10:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

House Resolution 36

Representative Andrade introduced House Resolution 36:

A HOUSE RESOLUTION congratulating Munster police officer Jonathan Hernandez.

Whereas, Munster, Indiana, police officer Jonathan Hernandez was recently named the department's 2019 Officer of the Year;

Whereas, The Officer of the Year is selected by fellow peers in the department for an officer's service and action in the previous year;

Whereas, Officer Hernandez is a patrol officer, field training officer, evidence technician, and member of the department's Honor Guard;

Whereas, Officer Hernandez volunteers and participates in multiple community programs each year, including Community Readers and the Cop & Kids holiday shopping program for children in need;

Whereas, Officer Hernandez cares deeply for the city of Munster and the communities in which he serves; and

Whereas, Officer Hernandez is deserving of recognition for his service as a police officer and his many contributions in his local community: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Munster police officer Jonathan Hernandez as a recipient of his department's Officer of the Year award.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Mike Andrade for distribution.

The resolution was read a first time and adopted by voice vote.

House Resolution 37

Representative Andrade introduced House Resolution 37:

A HOUSE RESOLUTION congratulating Dave Pelc on the occasion of his retirement.

Whereas, Munster Fire Department Chief Dave Pelc retired from the Munster Fire Department on January 31, 2021, after 50 years of service;

Whereas, Mr. Pelc joined the Munster Fire Department on June 1, 1971;

Whereas, Mr. Pelc served the Munster Fire Department with a commitment to excellence and was promoted to lieutenant in 1979, captain in 1980, and battalion chief in 1983, and was appointed chief in 2014;

Whereas, Mr. Pelc's served as the head of training for 15 years in the department and worked closely with the Munster Public Works department as the building manager for all town properties;

Whereas, Mr. Pelc was a member of the team that created the Local Mass Dispensing & Vaccination Plan for Lansing and Munster, which supported public health efforts in the community;

Whereas, Mr. Pelc has served the Munster community as a MABAS (Mutual Aid Box Alarm System) advisor for the last eight years and was on the committee for the Fallen Heroes Memorial at Wicker Park; and

Whereas, The Munster Town Council honored Mr. Pelc by declaring February 1, 2021, as "Dave Pelc Day" for his many years of service to his community: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Munster Fire Department Chief Dave Pelc in his retirement.

SECTION 2. That the Indiana House of Representatives honors Mr. Dave Pelc for his many years of service in his community.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Mike Andrade for distribution.

The resolution was read a first time and adopted by voice vote.

House Resolution 38

Representative Torr introduced House Resolution 38:

A HOUSE RESOLUTION celebrating the life of David A. Hartley Jr.

Whereas, David A. Hartley Jr. passed away on March 21, 2021, at the age of 51;

Whereas, David was born on August 23, 1969, at a United States Army Hospital in Munich, Germany;

Whereas, He was a 1987 graduate of Jimtown High School in Elkhart;

Whereas, After attending Indiana University, David rose to the top in a variety of work settings;

Whereas, David's internal entrepreneurial spirit and desire to make a meaningful impact guided his decision to acquire Home Health Depot, based in Indianapolis, in 2004;

Whereas, David worked with roughly 150 manufacturers to provide home medical equipment to customers, a unique approach to an industry in which others in the market

traditionally focused on one or two specific types of equipment;

Whereas, In addition to providing outstanding patient care and creating a corporate culture of excellence, David executed an aggressive growth plan, which resulted in growing the company 30-fold during the first six years;

Whereas, Home Health Depot received many accolades, including recognition by Inc. Magazine as the 59th fastest growing health care company in America in 2012. It was recognized as the 16th fastest growing private company, based on revenue growth from 2011 to 2013, by the Indianapolis Business Journal;

Whereas, In 2017, following an explosive growth period, including increasing employment at the company from 28 to 260 and establishing five divisions in six states, with Indiana offices in Bloomington, Columbus, Fort Wayne, Indianapolis, Lafayette, Marion, and Muncie, the decision was made to sell Home Health Depot;

Whereas, In 2018, David founded and served as President of the Indiana Liquor Group, the second largest retail liquor group in the state;

Whereas, The Indiana Liquor Group acquired additional assets and real estate holdings in the north central part of the state, bringing the total to nearly 50 locations by 2021;

Whereas, Peers serving with him on the Indiana Association of Beverage Retailers Board of Directors had a deep level of respect for David's strong business sense, fresh perspective, and sense of humor;

Whereas, Throughout his life, David used his kind heart and sharp mind to improve communities across the state and better the lives of countless Hoosiers, exemplified by his motto, "We don't invest in business; we invest in people";

Whereas, David's commitment to bettering the lives of others led to his founding of Spirits for Smiles, a 501(c)(3) whose mission is to assist adult Hoosiers with quality dental care they otherwise could not afford;

Whereas, David's exuberant personality often led him to exclaim that many things were "the best ever!"; and

Whereas, David will be remembered for his many contributions to the state, but none more important than his love for his wife Gina for nearly 30 years and their children Madison, Carson, and Reagan: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives celebrates and remembers the life of Mr. David A. Hartley Jr. for his numerous contributions to his community and the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Jerry Torr for distribution.

The resolution was read a first time and adopted by voice vote.

House Resolution 39

Representative Leonard introduced House Resolution 39:

A HOUSE RESOLUTION honoring Tiffanney Drummond.

Whereas, Tiffanney Drummond is the career & technical education director with the Huntington County Community School Corporation;

Whereas, Ms. Drummond has been instrumental in the expansion of the career & technical education (CTE) program

at Huntington North High School;

Whereas, Ms. Drummond led the second expansion which created an additional 20,000 square foot space for CTE programs;

Whereas, New programs have been added under Ms. Drummond's guidance, including welding, criminal justice, automotive skills, emergency medical technician training, and other programs offering internships and workforce experience;

Whereas, Ms. Drummond works with community partners, including Ivy Tech Community College, to provide adult evening programs for career development;

Whereas, Ms. Drummond also works with Ivy Tech and the Huntington Impact Institute to offer Hoosiers a GED equivalency credential; and

Whereas, Ms. Drummond works tirelessly in her community to provide a "one stop shop" for individuals of all ages looking to upskill, reskill, and choose next steps in their career paths: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives honors Ms. Tiffanney Drummond, Director of Career & Technical Education at Huntington North High School, for her many contributions in her community and leadership in improving the lives of Hoosiers.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Daniel Leonard for distribution.

The resolution was read a first time and adopted by voice vote.

House Resolution 40

Representative Frye introduced House Resolution 40:

A HOUSE RESOLUTION recognizing and honoring volunteer firefighters.

Whereas, These brave and dedicated volunteer firefighters have served courageously and risked their lives daily to protect their communities from the threat of fire;

Whereas, For 50 years, these volunteer firefighters have answered the call when fires struck Hoosier communities, forsaking all else to protect and serve those in need;

Whereas, It takes a special dedication, a strong desire to help others, and a tireless sense of community to sacrifice precious time with family and friends to respond to the signal that a neighbor is in need;

Whereas, These brave volunteer firefighters have heroically performed, throughout 50 years of devoted service, above and beyond the call of duty to fulfill the tasks and responsibilities of fire protection;

Whereas, It is right and just to recognize the tireless contributions and sacrifices that volunteer firefighters have made to bring safety and security to all Hoosier communities; and

Whereas, The distinguished service of volunteer firefighters has brought pride and honor to the state of Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes and honors the following volunteer firefighters who

have spent 50 years protecting and serving communities across Indiana: Michael A. Tyler, Kenneth W. Keilman, David E. Pelc, James Arnold, Wayne C. Adams, John P. Kroll, Norman G. Telford, Larry R. Hitzeman, Richard A. Laumeyer, Gerald E. Spohn, James L. Baird, James G. Hall, Leona A. Uryga, Majorie Wozniak, Roy A. Cohen, James W. Bellman, Ellis D. Shepherd, Roger A. Gelbaugh, Michael R. Engle, Glen D. LaRue, John H. Russell, Allen J. Connelly, Bruce L. MacPherson, Larry A. Winget, Richard Rochford, Steve Anstett, Richard L. Sprunger, Walter P. Reiter, Terry L. Nevil, Ralph L. Klinker, Paul L. Meyer, Steven A. Bradtmueller, Sam J. Wilson, Phillip A. Juengel, Erhardt Ballschmidt, John B. Metzger, Ronald E. Corn Sr., Charles L. Pugsley, Troy M. Williamson, Oral E. Henderson, John G. Bouge, Steven E. Hicks, Joseph H. Remaly, Lawrence J. Hamby, Brian G. Nipple, John M. Tumilty, Frederick A. Fry, Don E. Meek, James A. Rupp, Duane D. Dalton, Benny G. Randolph, Mark E. Snapp, Bill W. O'Brien, Richard L. Wood, Paul M. Lee, John E. Wilbur, James L. Caldwell, James W. Mohr, John W. Zielska Jr., Thomas M. Murray, Jeff Crone, Roy R. Miller, Paul E. Carlow, James H. Lohrig, Larry E. Cromer, Donald L. Allen, Paul R. Baker, Harold E. Shafer, John Kelp, Joe R. McWhorter Sr., Walter B. Blakely, Duane Goffinet, William L. Garrett, George B. Hasenour, Dan P. Kalb, James J. Kluesner, Marvin J. Kluesner, Ray Kissling, James L. Verkamp, Dennis A. Kessans, William P. Wintz, Don Covington, Dan W. Smith Jr., Phillip D. Lehman, Kenneth D. Gembala, Robert Naylor, and Cecil W. Hudson.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the volunteer firefighters named in this resolution.

The resolution was read a first time and adopted by voice vote.

House Resolution 41

Representative Gore introduced House Resolution 41:

A HOUSE RESOLUTION recognizing the 35th anniversary of the Indianapolis Children's Choir.

Whereas, The Indianapolis Children's Choir was founded in 1986 by Henry Leck and is led by Director Joshua Pedde;

Whereas, The Indianapolis Children's Choir serves approximately 5,500 young people annually;

Whereas, The choir boasts young singers from a wide variety of backgrounds, including more than 359 different schools in central Indiana;

Whereas, The Indianapolis Children's Choir has core values of personal and social growth, embracing diversity and accessibility, and furthering creativity and excellence;

Whereas, The Jubilate Choir is an opportunity for children with special needs to experience and explore the wonders of music in an encouraging setting; and

Whereas, The Indianapolis Children's Choir brings the passion and beauty of music to all around them by inspiring interest and cultivating musical talents in Hoosier youths: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. The Indiana General Assembly congratulates the Indianapolis Children's Choir on its 35th anniversary.

SECTION 2. The Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Mitch Gore.

The resolution was read a first time and adopted by voice vote.

House Resolution 42

Representatives Andrade, Jackson and Harris introduced House Resolution 42:

A HOUSE RESOLUTION honoring Chief of Police William "Andy" Short as the first African American chief in the city of Hammond.

Whereas, William "Andy" Short first became a police officer in 1988 after graduating from the Indiana Law Enforcement Academy;

Whereas, During his 36-year law enforcement tenure, Short has held the rank of first-class patrolman, second-class patrolman, corporal, sergeant, lieutenant, and now chief;

Whereas, As a police officer with the city of Hammond, he has worked in patrol, as a K-9 handler, in the bike patrol division, on Hammond's SWAT team, in the gang and narcotics unit, on the High Intensity Drug Trafficking Areas Task Force in Lake County, and in internal affairs;

Whereas, Short was named police chief by Mayor Thomas McDermott Jr. in January 2021, making him Hammond's first African American chief;

Whereas, He will oversee a force of 205 officers in the Hammond Police Department, which protects one of Northwest Indiana's most diverse cities;

Whereas, He hopes to continue the city's effort to create a more diverse police force that adequately represents the diversity of Hammond; and

Whereas, Short believes that, if people want change in their community, they must be the change, and that a diverse police department is needed to work together to help heal the community: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives honors Chief of Police William "Andy" Short as the first African American chief in the city of Hammond.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Mike Andrade for distribution.

The resolution was read a first time and adopted by voice vote.

Representatives Hatfield, who has been excused, is now present.

Representative Young, who had been present, is now excused.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1203.

MCNAMARA

Roll Call 396: yeas 77, nays 3. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1220.

SOLIDAY

Roll Call 397: yeas 55, nays 24. Motion prevailed.

Representative Speedy, who had been excused, is now present.

Representative Zent, who had been present, is now excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1283.

HARRIS

Roll Call 398: yeas 79, nays 0. Motion prevailed.

Representatives Rowray, Vermilion and Young, who had been excused, are now present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1305.

SLAGER

Roll Call 399: yeas 83, nays 0. Motion prevailed.

Representatives Dvorak, Ledbetter, Olthoff, Snow and Zent, who had been excused, are now present.

Representative Aylesworth, who had been present, is now excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1383.

COOK

Roll Call 400: yeas 87, nays 0. Motion prevailed.

Representatives DeVon, Jackson, Lauer, Lucas, Pack and Summers, who had been excused, are now present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1449.

SOLIDAY

Roll Call 401: yeas 92, nays 2. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1536.

DEVON

Roll Call 402: yeas 89, nays 2. Motion prevailed.

Representative Aylesworth, who had been excused, is now present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1252.

YOUNG

Roll Call 403: yeas 89, nays 0. Motion prevailed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 259

Representative Clere called down Engrossed Senate Bill 259 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 404: yeas 89, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was

directed to inform the Senate of the passage of the bill.

Representatives DeLaney, Pfaff, Porter, Speedy and Thompson, who had been present, are now excused.

Engrossed Senate Bill 348

Representative Soliday called down Engrossed Senate Bill 348 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utility infrastructure and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 405: yeas 86, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

RESOLUTIONS ON SECOND READING

House Concurrent Resolution 10

The Speaker handed down on its passage House Concurrent Resolution 10, introduced by Representative Zent, Bartels and Barrett:

A CONCURRENT RESOLUTION adding Indiana Veteran's Administration Medical Centers to the Center for Compassionate Innovation.

Whereas, The "signature wounds" of Iraq and Afghanistan are Traumatic Brain Injury (TBI) and Post Traumatic Stress Disorder (PTSD) and are significant health issues for Indiana veterans returning from service in Iraq and Afghanistan (Operation Enduring Freedom (OEF), Operation Iraqi Freedom (OIF), and Operation New Dawn (OND));

Whereas, Indiana has a veteran population of 392,388, and, given the large presence of the National Guard and Reserve units as well as VA Medical Centers in our communities, veterans' issues are important to us;

Whereas, Congress has passed and President Trump has signed the Commander John Scott Hannon Veterans Mental Health Care Improvement Act of 2019, S785. This bill calls for, among significant improvements to mental health care provided by the Department of Veterans Affairs, partnerships with non-federal government entities to provide [SEC.702] hyperbaric oxygen therapy (HBOT) to veterans and studies on the use of such therapy for treatment of post traumatic stress disorder (PTSD) and traumatic brain injury (TBI);

Whereas, This legislation culminates more than a decade of effort to get Congressional support for HBOT for brain injuries;

Whereas, A patient can suffer a brain insult like TBI, PTSD, or PCS from any number of traumatic events, but the type of events that have drawn the most attention over this past decade relate to service in Iraq or Afghanistan after 9/11. Roadside bombs, enemy mortar attacks, convoys being shot at, exchanging gun fire while on foot patrol, and similar events were all over our televisions and newspapers. Our young veterans deserve to be cared for upon their return;

Whereas, A January 2012 study published by the Journal of Neurotrauma found that application of a lower-pressure protocol of 40 HBOTs at 1.5 ATA to a 16-subject cohort of military subjects with blast-induced chronic PCS and PTSD was found to be safe, and as a group the 15 subjects experienced notable improvements in symptoms. Sixty-four percent of the patients on psychoactive and narcotic prescription medications were able to decrease or eliminate use of these medications;

Whereas, Israel completed its hyperbaric oxygen trials last January at Asaf Harofeh Medical Center and Tel Aviv

University, and findings suggest that hyperbaric oxidative treatment (HBOT) should be employed to repair the brain from traumatic brain injuries (TBI). The team illustrated and analyzed the dramatic improvements in brain function and quality of life following two months of HBOT treatment in 74 participants, from six to 36 months after the insult, whose condition was no longer improving prior to the treatment. Yet the neurological functions and life quality of almost all the patients (more than 95%) were significantly improved after the HBOT sessions. Analyses of brain imaging (by SPECT scans) showed that the treatment led to an increase in brain activity in brain locations with neurons that stayed alive but did not have sufficient energy (blood supply) to function (generate firing of signals); and

Whereas, As it stands now, there are veterans who pay out of pocket for this treatment; and

Whereas, Indiana has several providers capable of providing hyperbaric oxygen therapy throughout the state: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly strongly urges the Indiana Congressional Delegation to urge the Veterans Administration to add the VA Medical Centers that support Hoosier veterans be added to the Center for Compassionate Innovation (CCI) that provides HBOT currently to veterans with TBI-PTSD.

SECTION 2. That the Indiana General Assembly strongly encourages these medical centers to contract with these providers to become a "preferred provider" of HBOT for existing FDA approved on-label services and off-label services. The VA should pay for treatment to these providers who have contracts for services under the "meaningful use" contract between them.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Zent for distribution..

The resolution was read a second time and adopted. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Toms.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:25 p.m. with the Speaker in the Chair.

Upon request of Representative Karickhoff, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 406: 96 present. The Speaker declared a quorum present.

Representatives DeLaney, Hatcher, Miller, Morrison, Pfaff, Porter and Thompson, who had been excused, are now present.

Representative Davisson, who had been present, is now excused.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

HB 1101 Conferees: DeVon and Jackson

Advisors: Behning, Davisson and Summers

HB 1200 Conferees: McNamara and Bartlett

- HB 1454 Advisors: Olthoff, Negele and Hatcher
 Conferees: Baird and Fleming
 Advisors: Barrett, Vermilion and Shackleford
- HB 1468 Conferees: Clere and Shackleford
 Advisors: Davisson, Barrett and Fleming

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

- SB 5 Conferees: Lehman and Austin
 Advisors: Clere, Morrison, Pierce and Fleming
- SB 185 Conferees: Davisson and M. Bauer
 Advisors: Lehe, Ledbetter and Bartlett
- SB 232 Conferees: Judy and Andrade
 Advisors: Frye, Gutwein, Gore and Pack

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 416

Representative Morrison called down Engrossed Senate Bill 416 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 413

Representative Behning called down Engrossed Senate Bill 413 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 413-9)

Mr. Speaker: I move that Engrossed Bill 413 be amended to read as follows:

Page 7, delete lines 13 through 42, begin a new paragraph and insert:

"SECTION 11. IC 20-30-16-5, AS AMENDED BY HEA 1438-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) Except as provided in subsection (c), an eligible student may enroll in course access program courses offered by a course provider that is authorized by the department in accordance with policies adopted by the state board under this chapter.

(b) If an eligible student requests to enroll in a course access program course, the school corporation shall, not later than fifteen (15) days after the date the eligible student submits the request to the school corporation, notify the student's parent or emancipated eligible student of the following:

- (1) Whether the school corporation approves or denies the request.
- (2) If the school corporation denies the request, information explaining that the parent or student may appeal the school corporation's decision to the department.

If the school corporation fails to notify an eligible student's parent or emancipated eligible student within the time period established under this subsection, the eligible student is automatically approved for enrollment in the course access program course.

(c) A school corporation may deny an eligible student's enrollment in a course access program only for the following reasons:

- (1) The eligible student's enrollment in the course access program course would exceed the requirements for a normal full course load at the school corporation.
- (2) The cost of the course access program course is unreasonable.

However, a school corporation may not deny enrollment of an eligible student under subdivisions (1) and (2) if the eligible student agrees to pay the cost of tuition for the applicable course access program course.

(d) If a school corporation denies a student's enrollment in a course access program course under subsection (c), the school corporation shall notify the department, in a manner prescribed by the department, of the reason the student was denied enrollment under subsection (c).

(e) If a school corporation denies a student's enrollment in a course access program course under subsection (c), the parent of an eligible student or an emancipated eligible student may appeal the decision of the school corporation to the department in a manner prescribed by the state board.

(f) The department shall:

- (1) review the school corporation's denial under subsection (c); and
- (2) provide a final enrollment decision; within seven (7) calendar days of receipt of the appeal."

Page 8, delete lines 1 through 3.

(Reference is to ESB 413 as printed April 8, 2021.)

BEHNING

Motion prevailed.

HOUSE MOTION (Amendment 413-8)

Mr. Speaker: I move that Engrossed Senate Bill 413 be amended to read as follows:

Page 13, line 5, delete "eleven (11)" and insert "**thirteen (13)**".

Page 13, between lines 29 and 30, begin a new line block indented and insert:

"(7) Two (2) members who are superintendents of a school corporation in which:

- (1) one (1) member is appointed by the speaker of the house of representatives; and**
- (2) one (1) member is appointed by the president pro tempore of the senate."**

Page 13, line 38, delete "six (6)" and insert "**seven (7)**".

Page 13, line 39, delete "six (6)" and insert "**seven (7)**".

(Reference is to ESB 413 as printed April 8, 2021.)

BEHNING

Motion prevailed.

HOUSE MOTION (Amendment 413-3)

Mr. Speaker: I move that Engrossed Senate Bill 413 be amended to read as follows:

Page 13, line 5, delete "eleven (11)" and insert "**thirteen (13)**".

Page 13, between lines 29 and 30, begin a new line block indented and insert:

"(7) One (1) member who is a member of the house of representatives appointed by the minority leader of the house of representatives.

(8) One (1) member who is a member of the senate appointed by the minority leader of the senate."

Page 13, line 38, delete "six (6)" and insert "**seven (7)**".

Page 13, line 39, delete "six (6)" and insert "**seven (7)**".

(Reference is to ESB 413 as printed April 8, 2021.)

DELANEY

Motion prevailed.

HOUSE MOTION
(Amendment 413-7)

Mr. Speaker: I move that Engrossed Senate Bill 413 be amended to read as follows:

Page 12, delete lines 38 through 41, begin a new paragraph and insert:

"(b) A panel is established to do the following:

(1) Study methods of improving school building utilization by a school corporation in order to provide savings that may be used to improve teacher salaries and charter school funding.

(2) Review and study information regarding how charter schools in Indiana currently finance, acquire, and maintain real estate, including a review of the following:

(A) A listing of each charter school facility in Indiana.

(B) Whether the charter school facility is owned or leased by the charter school.

(C) The identity of the owner or lessor of the charter school facility.

(D) The sources of payments to acquire, lease, and maintain a charter school facility listed under clause (A).

(E) Information regarding whether any organizer, authorizer, administrator, or member of a charter school board has any financial interest in a charter school facility listed in clause (A).

(3) Make recommendations of its findings.

The panel shall submit, not later than November 1, 2022, its recommendations in a final report to the governor and, in an electronic format under IC 5-14-6, the legislative council."

Page 13, delete lines 1 through 4.

(Reference is to ESB 413 as printed April 8, 2021.)

DELANEY

Upon request of Representatives GiaQuinta and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 407: yeas 30, nays 59. Motion failed.

HOUSE MOTION
(Amendment 413-2)

Mr. Speaker: I move that Engrossed Senate Bill 413 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-3-26-9, AS ADDED BY P.L.269-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) The governor shall appoint a chief data officer, who serves at the pleasure of the governor.

(b) The chief data officer shall do the following:

(1) Serve as the executive head of the MPH.

(2) Advise executive state agencies and political subdivisions regarding state best practices concerning the creation and maintenance of data.

(3) Coordinate data analytics and transparency master planning for the executive state agencies and provide leadership regarding state data analytics and transparency.

(4) Serve as the state data ombudsman under IC 4-3-26.1.

(5) Provide for the review of the MPH

policies, procedures, and practices by the MPH data advisory committee.

(6) Develop and maintain a data catalog of available data sets which shall be made available on the MPH's Internet web site."

Page 1, line 5, strike "in carrying" and insert **"to do the following:**

(A) Carry".

Page 1, line 7, after "data." begin a new line double block indented and insert:

"(B) Provide data from executive state agencies and, if not in the possession of the MPH, facilitate the providing of data from executive state agencies to the general assembly and its members, staff, and agencies necessary or appropriate to carry out the legislative functions of the state."

Page 1, line 7, beginning with "In" begin a new line block indented.

Page 1, line 10, delete "IC 4-1-6" and insert **"applicable laws including IC 2-5-1.1-5, IC 2-5-1.7, IC 4-1-6,"**

Page 1, line 12, after "agencies," insert **"members and staff of"**.

Page 2, between lines 2 and 3, begin a new line double block indented and insert:

"(B) A request by the legislative services agency for government information subject to IC 2-5-1.7 shall be made and the information provided in conformity with that chapter.

(C) A request by a member of the general assembly or staff of the house of representatives or senate for government information subject to IC 2-5-1.7 shall be made in the same manner as a request made by the legislative services agency under IC 2-5-1.7."

Page 2, line 3, strike "(B)" and insert **"(D)"**.

Page 2, delete lines 24 through 42, begin a new line block indented and insert:

"(9) Establish and maintain a data library that describes and documents the data sets and fields in the data sets that are possessed by the MPH and each executive state agency. The MPH shall provide access to the data library to the legislative services agency and members and staff of the general assembly.

SECTION 3. IC 4-3-26-11, AS ADDED BY P.L.269-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. Each executive state agency shall do the following:

(1) In a manner determined by the MPH, make available to the MPH the government information the MPH requires under this chapter in a nonproprietary format.

(2) As requested by the MPH, make available personnel with subject matter or technical expertise to facilitate sharing of government information.

SECTION 4. IC 4-3-26-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) As used in this section, "committee" refers to the MPH data advisory committee.

(b) The MPH data advisory committee is established.

(c) The committee consists of the following nine (9) members:

(1) The executive director of the legislative services agency or the executive director's designee, who shall serve as a nonvoting member.

(2) One (1) member of the house of representatives appointed by the speaker of the house of representatives.

(3) One (1) member of the house of representatives appointed by the minority leader of the house of representatives.

(4) One (1) member of the senate appointed by the president pro tempore of the senate.

(5) One (1) member of the senate appointed by the minority leader of the senate.

(6) The following four (4) members appointed jointly by the speaker of the house of representatives and the president pro tempore of the senate:

(A) One (1) member who represents an Indiana based philanthropic organization.

(B) One (1) member who represents an Indiana based nonprofit organization that has knowledge in using data to connect job seekers, educational institutions, and employers to advance Indiana's skilled workforce.

(C) One (1) member who represents a business or industry with knowledge of education and workforce policy.

(D) One (1) member who represents an Indiana based grant making foundation with a mission to advance health and education.

(d) A member of the committee appointed under subsection (c)(6):

(1) serves for a term of four (4) years; and

(2) may be removed from the committee by the member's appointing authority for just cause.

Vacancies in the appointments to the committee shall be filled by the appointing authority. A member appointed under this subsection serves for the remainder of the unexpired term.

(e) The members appointed under subsection (c)(2) and (c)(4) shall alternate serving as the chairperson of the committee every other year, with the member appointed under subsection (c)(2) serving as chairperson the first year of the committee. The committee shall meet at the call of the chairperson.

(f) The committee shall meet on the call of the chairperson. The chairperson shall develop the agenda for committee meetings in consultation with the alternate chairperson described in subsection (e). The chairperson is responsible for establishing agendas for committee meetings after receiving and considering recommended agenda items from the members of the committee and the chief data officer.

(g) Five (5) members of the committee constitute a quorum. The affirmative vote of at least a majority of the members of the committee is necessary for the committee to take official action.

(h) The legislative services agency shall staff the committee. The MPH shall assist the committee as provided

by this chapter, as provided by IC 4-3-26.1, and as requested by the chairperson of the committee to carry out the responsibilities of the committee. As requested by the chairperson of the committee, executive state agencies shall do the following:

(1) In a manner determined by the chairperson of the committee, make available to the committee the government information the committee requires under this chapter in a nonproprietary format.

(2) As requested by the chairperson of the committee, make available personnel with subject matter expertise and personnel with technical expertise to facilitate sharing of government information.

The committee shall work with executive state agencies to carry out the responsibilities of the committee without unreasonably interfering with the primary responsibilities of the executive state agencies or requiring the employment of additional employees or contractors not otherwise budgeted for the purposes of this chapter.

(i) Expenses of the committee shall be paid from appropriations to the legislative council for legislator and lay member travel or, as determined by the personnel subcommittee of the legislative council, another appropriation to the legislative council and legislative services agency.

(j) Each member of the committee who is not a state employee is entitled to the same per diem, mileage, and other reimbursement for actual expenses incurred in connection with the member's duties paid to lay members of interim study committees established by the legislative council.

(k) Each member of the committee who is a state employee but who is not a member of the general assembly is not entitled to per diem but is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided in the policies and procedures adopted by the legislative council.

(l) Each member of the committee who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council.

SECTION 5. IC 4-3-26-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 18. (a) As used in this section, "committee" refers to the MPH data advisory committee.

(b) The committee shall do the following:

(1) Review the MPH procedures, policies, and practices for the collection, retention, use, and disclosure of governmental information, including procedures and safeguards to protect the privacy, integrity, confidentiality, and availability of data.

(2) Review the MPH procedures, policies, and practices to ensure compliance with state and federal privacy laws.

(3) Review the adequacy of executive state agency government information systems, collection practices, and policies and practices to meet requests for data sharing.

(4) Facilitate the resolution of data sharing issues not resolved by the state data ombudsman and any other data sharing matters.

(5) Advise the MPH on the development and maintenance of a data library.

(6) Study what additional data sets that are not possessed by the MPH should be

provided to the MPH and whether the number of memorandums of understanding can be reduced and standardized to facilitate data sharing.

(7) Study whether an independent or nonpartisan entity should perform the functions of the MPH described under IC 4-3-26-10(1) through IC 4-3-26-10(4).

(8) Make recommendations to the MPH, executive state agencies, and the legislative council to facilitate implementation of best practices in sharing and protecting data in state government.

(9) Advise the chief data officer as requested by the chief data officer.

(c) Before November 1 of each year, the committee shall provide a report to the legislative council describing the activities, findings, and recommendations of the committee. The report must be submitted to the executive director of the legislative services agency in an electronic format under IC 5-14-6.

SECTION 6. IC 4-3-26.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 26.1. State Data Ombudsman

Sec. 1. The definitions in IC 4-3-26 apply throughout this chapter.

Sec. 2. As used in this chapter, "committee" refers to the MPH data advisory committee established by IC 4-3-26-17.

Sec. 3. As used in this chapter, "legislative data sharing request" refers to a request for government information made by a member of the general assembly or staff of the house of representatives or the senate for the purpose of carrying out the responsibilities of the general assembly and its members.

Sec. 4. As used in this chapter, "ombudsman" refers to the state data ombudsman described in section 5 of this chapter.

Sec. 5. The chief data officer appointed under IC 4-3-26-9 shall serve as the state data ombudsman.

Sec. 6. The ombudsman shall take all actions necessary or appropriate to facilitate the maximum amount of data sharing of government information consistent with privacy and confidentiality laws.

Sec. 7. A legislative data sharing request may be submitted to the ombudsman for government information in the possession of the MPH or in another executive state agency. If the requested governmental information is not in the possession of the MPH, the ombudsman shall work with the executive state agency possessing the information to provide the information. The committee may establish standards for the submission of a particular request under this section. Absent a documented reason for the delay, the ombudsman shall provide the requestor with the requested government information not later than thirty (30) days after receiving the request. However, after the general assembly's organizational meeting and during a session of the general assembly, the MPH and any other executive state agency with the government information shall work with the requestor to provide the information as soon as practicable in less than thirty (30) days, as needed, to accommodate the legislative schedule.

Sec. 8. As soon as feasible after receiving a legislative data sharing request and not later than five (5) business days after receiving the request the ombudsman shall inform the requestor of the following:

(1) What information is available to the MPH.

(2) A description of what steps the MPH will need to take to fulfill the data request.

(3) The time frame in which the information

will be available to the requestor.

(4) A description of any obstacles that might delay or limit the delivery of the requested government information.

If one (1) or more obstacles will delay or limit delivery of the requested information, the ombudsman shall facilitate the resolution of the matters. If a request for data by a member of the general assembly takes longer than originally determined by the MPH, the ombudsman shall communicate to the requestor what steps the MPH is taking to fulfill the data request and provide an updated time frame in which the data request will be available to the member of the general assembly.

Sec. 9. Each executive state agency shall, to the greatest extent possible under the law, promptly and timely cooperate with the ombudsman to resolve any data issues relating to a legislative data sharing request.

Sec. 10. If the requestor making a legislative data sharing request and the ombudsman cannot agree on a satisfactory resolution of the request, the ombudsman or the requestor, or both may submit the matter to the committee. The committee shall review the matter and advise the requestor and the ombudsman on how the matter may be resolved.

Sec. 11. Nothing in this section may be construed to prevent a state agency from complying with federal or state privacy or confidentiality requirements relating to data maintained by the MPH or any other state agency."

Delete page 3.

Page 4, delete lines 1 through 19.

Renumber all SECTIONS consecutively.

(Reference is to ESB 413 as printed April 8, 2021.)

CLERE

Motion prevailed.

HOUSE MOTION (Amendment 413-1)

Mr. Speaker: I move that Engrossed Senate Bill 413 be amended to read as follows:

Page 5, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 7. IC 20-28-6-2, AS AMENDED BY P.L.118-2016, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) A contract entered into by a teacher and a school corporation must:

(1) be in writing;

(2) be signed by both parties; and

(3) contain the:

(A) beginning date of the school term as determined annually by the school corporation;

(B) number of days in the school term as determined annually by the school corporation;

(C) total salary to be paid to the teacher during the school year;

(D) number of salary payments to be made to the teacher during the school year; and

(E) number of hours per day the teacher is expected to work, as **bargained under IC 20-29-6-4(c) or discussed pursuant to IC 20-29-6-7.**

(b) The contract may provide for the annual determination of the teacher's annual compensation based on a local compensation plan specifying a salary range, which is part of the contract. The compensation plan may be changed by the school corporation before the later of May 1 of a year, with the changes effective the next school year, or the date specified in a

collective bargaining agreement applicable to the next school year. A teacher affected by the changes shall be furnished with printed copies of the changed compensation plan not later than thirty (30) days after the adoption of the compensation plan.

(c) A contract under this section is also governed by the following statutes:

- (1) IC 20-28-9-5 through IC 20-28-9-6.
- (2) IC 20-28-9-9 through IC 20-28-9-11.
- (3) IC 20-28-9-13.
- (4) IC 20-28-9-14.

(d) A governing body shall provide the blank contract forms, carefully worded by the state superintendent, and have them signed. The contracts are public records open to inspection by the residents of each school corporation.

(e) An action may be brought on a contract that conforms with subsections (a)(1), (a)(2), and (d)."

Page 5, line 26, strike "4" and insert "4(a)".

Page 6, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 9. IC 20-29-6-4, AS AMENDED BY P.L.217-2017, SECTION 101, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) A school employer shall bargain collectively with the exclusive representative on the following:

- (1) Salary.
- (2) Wages.
- (3) Salary and wage related fringe benefits, including accident, sickness, health, dental, vision, life, disability, retirement benefits, and paid time off as permitted to be bargained under IC 20-28-9-11.

(b) Salary and wages include the amounts of pay increases available to employees under the compensation plan adopted under IC 20-28-9-1.5, but do not include the teacher evaluation procedures and criteria, any components of the teacher evaluation plan, rubric, or tool, or any performance stipend or addition to base salary based on a stipend to an individual teacher under IC 20-43-10-3.5.

(c) This subsection does not apply to a school corporation that is designated a distressed political subdivision under IC 6-1.1-20.3. A school employer:

- (1) may bargain collectively with the exclusive representative on teacher working and student learning conditions, including hours, class size, preparation periods, student discipline, and curricular matters; and**
- (2) shall, if applicable, adopt a resolution regarding any items described in subdivision (1) that the school employer collectively bargains.**

SECTION 8. IC 20-29-6-4.5, AS AMENDED BY P.L.217-2017, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4.5. (a) ~~For a contract entered into after June 30, 2011, Except for an item collectively bargained under section 4(c) of this chapter,~~ a school employer may not bargain collectively with the exclusive representative on the following:

- (1) The school calendar.
- (2) Teacher dismissal procedures and criteria.
- (3) Restructuring options available to a school employer under federal or state statutes, regulations, or rules because of the failure of the school corporation or a school to meet federal or state accountability standards.
- (4) The ability of a school employer to contract, partner, or operate jointly with an educational entity that provides postsecondary credits to students of the school employer or dual credits from the school employer and the educational entity.

(5) Any subject not expressly listed in section 4 of this chapter.

(b) For a contract entered into after January 1, 2015, for a school year beginning after June 30, 2015, a school employer may not bargain collectively with the exclusive representative for the following:

- (1) A matter described in subsection (a).
- (2) A matter that another statute specifies is not subject to collective bargaining, including IC 20-28-9-1.5 and IC 20-43-10-3.5.

(c) Except for an item collectively bargained under section 4(c) of this chapter, a subject set forth in subsection (a) or (b) that may not be bargained collectively may not be included in an agreement entered into under this article.

SECTION 9. IC 20-29-6-6.1, AS AMENDED BY P.L.228-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6.1. (a) After ratification of a contract under section 6 of this chapter, a school employer shall submit **to the board the following:**

- (1) The ratified collective bargaining agreement, including the compensation model developed under IC 20-28-9-1.5. to the board.**
- (2) If the school employer bargains collectively with the exclusive representative regarding an item described in section 4(c) of this chapter, the resolution adopted by the school employer under section 4(c) of this chapter.**

(b) The board shall appoint a staff member or an ad hoc panel member to review each submitted collective bargaining agreement and to make a written recommendation concerning the collective bargaining agreement's compliance with this chapter, including a penalty for any noncompliance. The review must be completed before May 31 of the year in which the current collective bargaining agreement expires.

(c) Not later than fifteen (15) days after a recommendation has been made under subsection (b), one (1) or both parties to a collective bargaining agreement may appeal to the board, in writing, the decision made in the recommendation. If the board does not receive an appeal not later than fifteen (15) days after issuing a recommendation, the recommendation becomes the final order of the board.

(d) If the board receives a timely appeal, the board may make a decision on the recommendation with or without oral argument. The board may request that the parties submit briefs. The board must issue a ruling on the appeal not later than thirty (30) days after the last of the following occurs:

- (1) The appeal is received.
- (2) Briefs are received.
- (3) Oral arguments are held.

(e) IC 4-21.5 does not apply to a review under subsection (b) or (d).

(f) If, following the review of a collective bargaining agreement, the board finds the collective bargaining agreement does not comply with this chapter, the board shall issue an order that may include one (1) or more of the following items:

- (1) Ordering the parties to cease and desist from all identified areas of noncompliance.
- (2) Preventing the parties from ratifying any subsequent collective bargaining agreements until the parties receive written approval from the board or the board's agent.
- (3) Requiring other action as deemed appropriate by the board as authorized by state law.

(g) The board may send the board's compliance findings to other state agencies as necessary.

(h) After a school employer has submitted a collective bargaining agreement under subsection (a), the school employer and an exclusive representative may not enter into a new

collective bargaining agreement containing the noncompliant provision until the school employer has received either:

- (1) the board's order regarding the compliance of the submitted collective bargaining agreement with this chapter; or
- (2) other written approval from the board or an agent of the board.

(i) If any provision of the collective bargaining agreement is found not to be compliant with this chapter, the provision that is found to be noncompliant with this chapter shall not affect other provisions of the collective bargaining agreement that can be given effect without the noncompliant provision, and to this end the provisions of collective bargaining agreement are severable.

(j) The board:

- (1) shall adopt rules under IC 4-22; and
- (2) may adopt emergency rules in the manner provided under IC 4-22-2-37.1;

as necessary to implement this section.

(k) An emergency rule adopted by the board under subsection (j) expires on the earliest of the following dates:

- (1) The expiration date stated in the emergency rule.
- (2) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36 or IC 4-22-2-37.1.
- (3) One (1) year after the date the emergency rule is adopted.

(l) This subsection applies only to a school corporation that has a compensation plan developed under IC 20-28-9-1.5 but does not have a ratified collective bargaining agreement. A school corporation shall, not later than October 1 of the year in which the compensation plan becomes effective, submit the school corporation's compensation plan to the board.

(m) If a school corporation fails to timely file a compensation plan as required under subsection (l), the school corporation's compensation plan is considered not in compliance with IC 20-28-9-1.5 and this section unless a compliance officer of the board finds good cause shown for the delay.

SECTION 10. IC 20-29-6-7, AS AMENDED BY P.L.73-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. **Except for an item collectively bargained under section 4(c) of this chapter**, a school employer shall discuss with the exclusive representative of certificated employees the following items:

- (1) Curriculum development and revision.
- (2) Selection of curricular materials.
- (3) Teaching methods.
- (4) Hiring, evaluation, promotion, demotion, transfer, assignment, and retention of certificated employees.
- (5) Student discipline.
- (6) Expulsion or supervision of students.
- (7) Pupil/teacher ratio.
- (8) Class size or budget appropriations.
- (9) Safety issues for students and employees in the workplace, except those items required to be kept confidential by state or federal law.
- (10) Hours.
- (11) Funding for a plan for a remediation program for any subset of students enrolled in kindergarten through grade 12.
- (12) The following nonbargainable items under IC 20-43-10-3.5:

- (A) Teacher appreciation grants.
- (B) Individual teacher appreciation grant stipends to teachers.
- (C) Additions to base salary based on teacher appreciation grant stipends.

(13) The pre-evaluation planning session required under IC 20-28-11.5-4.

(14) The superintendent's report to the governing body concerning staff performance evaluations required under IC 20-28-11.5-9.

(15) A teacher performance model."

Renumber all SECTIONS consecutively.

(Reference is to ESB 413 as printed April 8, 2021.)

PORTER

Upon request of Representatives Porter and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 408: yeas 29, nays 67. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 389

Representative Lehman called down Engrossed Senate Bill 389 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 389-6)

Mr. Speaker: I move that Engrossed Bill 389 be amended to read as follows:

Page 12, delete lines 24 through 35, begin a new paragraph and insert:

"SECTION 15. IC 14-12-4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 4. Indiana Wetlands Task Force

Sec. 1. As used in this chapter, "isolated wetland" means a wetland that:

- (1) is located in Indiana; but
- (2) is not subject to regulation under Section 404(a) of the federal Clean Water Act.

Sec. 2. As used in this chapter, "task force" refers to the Indiana wetlands task force established by section 3 of this chapter.

Sec. 3. (a) There is established the Indiana wetlands task force. Subject so subsection (c), the task force consists of the following fourteen (14) members:

- (1) One (1) individual appointed by the governor as chairperson of the task force.
- (2) One (1) individual who is a representative of Ducks Unlimited.
- (3) One (1) individual who is a representative of the Indiana Builders Association.
- (4) One (1) individual who is a representative of Accelerate Indiana Municipalities.
- (5) One (1) individual who is a representative of the Indiana Farm Bureau.
- (6) One (1) individual who is a representative of the White River Alliance.
- (7) One (1) individual who is a representative of the Indiana Society of Professional Land Surveyors and has expertise in regulated drains.
- (8) One (1) individual who is a representative of the department of environmental management and has expertise in wetlands.
- (9) One (1) individual who is a representative of the Purdue University Center for the Environment.
- (10) One (1) individual who is a representative of the Kankakee River basin and Yellow River basin development commission established by IC 14-13-9.
- (11) One (1) individual who is a representative of the St. Joseph River Basin Commission established by IC 14-30-3.
- (12) One (1) individual who is a representative of the Indiana Association of Soil and Water Conservation Districts.

(13) One (1) individual who is a professional wetland delineator.

(14) One (1) individual appointed by the director of the department of natural resources who is:

(A) employed as a biologist or hydrologist for the department; and

(B) a wetland expert.

(b) The governor shall appoint the members described in subsection (a)(2) through (a)(13).

(c) Each organization or entity identified in subsection (a)(2) through (a)(12) must provide to the governor the name of at least one (1) individual who represents the organization or entity as a candidate for appointment to the task force. If an organization or entity does not, before June 1, 2021, provide to the governor the name of at least one (1) candidate for appointment, the governor may appoint to the task force an individual who is not a representative of the organization or entity in place of a representative of the organization or entity.

(d) A vacancy in a position on the task force shall be filled by the appointment of a replacement member by the appointing authority identified for the task force position in section 3(a) of this chapter.

Sec. 4. (a) The task force shall research and develop recommendations on the following:

(1) Strategies to mitigate the costs incurred by builders to comply with the state regulation of wetland activity under IC 13-18-22 while maintaining the integrity of those environmental safeguards.

(2) The flood reduction benefits of isolated wetlands, including the use of isolated wetlands to aid in quantifying flood risk mitigation.

(3) The role of isolated wetlands in storing carbon dioxide and how to strengthen the carbon markets in Indiana.

(4) Strategies to incentivize the avoidance of isolated wetland impact during development.

(5) Strategies to incentivize the preservation of existing isolated wetlands.

(6) Improvements to the isolated wetland permitting process under IC 13-18-22.

(b) The task force shall also do the following:

(1) Review existing state isolated wetland classifications and recommend new isolated wetland classifications and nomenclature that are in alignment with those used by the United States Army Corps of Engineers.

(2) Review the current mitigation ratios set forth in IC 13-18-22-6 and provide recommendations to:

(A) improve the methodology used in applying those mitigation ratios; and

(B) possibly better align those mitigation ratios with the mitigation ratio determination methods used by the United States Army Corps of Engineers.

(3) Review the current "in lieu of" compensatory mitigation program and make recommendations on how to reduce the costs and improve the transparency of that program.

(4) Study and make recommendations concerning any other wetland related issues that the task force determines should be addressed by the general assembly.

Sec. 5. The department of natural resources shall provide staff support to the task force.

Sec. 6. The task force shall meet at the call of the chairperson.

Sec. 7. (a) A member of the task force who is not a state employee:

(1) is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b); but

(2) is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) A member of the task force who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 8. (a) The members of the task force appointed under section 3(a)(2) through 3(a)(14) of this chapter are voting members.

(b) The chairperson appointed under section 3(a)(1) of this chapter is authorized to vote only when voting by the members of the task force appointed under section 3(a)(2) through 3(a)(14) of this chapter results in a tie vote.

(c) The affirmative votes of a majority of the members of the task force are required for the task force to take action on any measure, including the report required by section 9 of this chapter.

Sec. 9. The task force shall:

(1) issue a report setting forth the recommendations required or authorized by section 4 of this chapter; and

(2) not later than November 1, 2022, submit the report to the following:

(A) The executive director of the legislative services agency for distribution to the members of the general assembly. The report submitted to the executive director of the legislative services agency under this clause must be in an electronic format under IC 5-14-6.

(B) The governor.

(C) The commissioner of the department of environmental management.

Sec. 10. This chapter expires December 31, 2022."

Renumber all SECTIONS consecutively.

(Reference is to ESB 389 as printed April 8, 2021.)

SLAGER

Motion prevailed.

HOUSE MOTION
(Amendment 389-1)

Mr. Speaker: I move that Engrossed Senate Bill 389 be amended to read as follows:

Page 3, delete lines 7 through 42, begin a new paragraph and insert:

"SECTION 2. IC 13-11-2-48.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 48.5. (a) "Cropland", for purposes of IC 13-18-22-1(d), means farmland:

(1) that is cultivated for agricultural

purposes; and

(2) from which crops are harvested.

(b) The term includes:

(1) orchards;

(2) farmland used to produce row crops, close-grown crops, or cultivated hay; and

(3) farmland intentionally kept out of production during a regular growing season (summer fallow).

(c) The term does not include pasture land unless the pasture land is in active rotation with cultivated crops for purposes of soil maintenance or improvement.

SECTION 3. IC 13-11-2-72.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 72.4. "Ephemeral stream", for purposes of IC 13-18-22-1(b)(6), means surface water flowing or pooling only in direct response to precipitation such as rain or snowfall.

SECTION 4. IC 13-11-2-74.5, AS AMENDED BY P.L.113-2014, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 74.5. (a) "Exempt isolated wetland", for purposes of IC 13-18 and environmental management laws, means an isolated wetland that:

(1) is a voluntarily created wetland unless:

(A) the wetland is approved by the department for compensatory mitigation purposes in accordance with a permit issued under Section 404 of the Clean Water Act or IC 13-18-22;

(B) the wetland is reclassified as a state regulated wetland under IC 13-18-22-6(e); or

(C) the owner of the wetland declares, by a written instrument:

(i) recorded in the office of the recorder of the county or counties in which the wetland is located; and

(ii) filed with the department; that the wetland is to be considered in all respects to be a state regulated wetland;

(2) exists as an incidental feature in or on:

(A) a residential lawn;

(B) a lawn or landscaped area of a commercial or governmental complex;

(C) agricultural land;

(D) a roadside ditch;

(E) an irrigation ditch; or

(F) a manmade drainage control structure;

(3) is a fringe wetland associated with a private pond;

(4) is, or is associated with, a manmade body of surface water of any size created by:

(A) excavating;

(B) diking; or

(C) excavating and diking;

dry land to collect and retain water for or incidental to agricultural, commercial, industrial, or aesthetic purposes;

(5) ~~subject to subsection (e);~~ is a Class I wetland; ~~with an area, as delineated, of one-half (1/2) acre or less;~~

(6) ~~subject to subsection (d);~~ (c), is a Class II wetland with an area, as delineated, of ~~one-fourth (1/4) not more than three-eighths (3/8) acre; or less;~~

(7) is located on land:

(A) subject to regulation under United States Department of Agriculture wetland conservation programs, including Swampbuster and the Wetlands Reserve Program, because of voluntary enrollment in a federal farm program; and

(B) used for agricultural or other purposes allowed under the programs referred to in clause (A); or

(8) is constructed for reduction or control of pollution.

(b) For purposes of subsection (a)(2), an isolated wetland exists as an incidental feature:

(1) if:

(A) the owner or operator of the property or facility described in subsection (a)(2) does not intend the isolated wetland to be a wetland;

(B) the isolated wetland is not essential to the function or use of the property or facility; and

(C) the isolated wetland arises spontaneously as a result of damp soil conditions incidental to the function or use of the property or facility; and

(2) if the isolated wetland satisfies any other factors or criteria established in rules that are:

(A) adopted by the board; and

(B) not inconsistent with the factors and criteria described in subdivision (1).

~~(c) The total acreage of Class I wetlands on a tract to which the exemption described in subsection (a)(5) may apply is limited to the larger of:~~

~~(1) the acreage of the largest individual isolated wetland on the tract that qualifies for the exemption described in subsection (a)(5); and~~

~~(2) fifty percent (50%) of the cumulative acreage of all individual isolated wetlands on the tract that would qualify for the exemption described in subsection (a)(5) but for the limitation of this subsection.~~

~~(d) (c)~~ The total acreage of Class II wetlands on a tract to which the exemption described in subsection (a)(6) may apply is limited to the larger of:

(1) the acreage of the largest individual isolated wetland on the tract that qualifies for the exemption described in subsection (a)(6); and

(2) ~~thirty-three and one-third percent (33 1/3%)~~ **sixty percent (60%)** of the cumulative acreage of all individual isolated wetlands on the tract that would qualify for the exemption described in subsection (a)(6) but for the limitation of this subsection.

~~(e) (d)~~ An isolated wetland described in subsection (a)(5) or (a)(6) does not include an isolated wetland on a tract that contains more than one (1) of the same class of wetland until the owner of the tract notifies the department that the owner has selected the isolated wetland to be an exempt isolated wetland under subsection (a)(5) or (a)(6). ~~consistent with the applicable limitations described in subsections (c) and (d)-".~~

Delete page 4.

Page 5, delete lines 1 through 33.

Page 6, delete lines 25 through 42, begin a new paragraph

and insert:

"SECTION 7. IC 13-18-22-1, AS AMENDED BY P.L.166-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) Except as provided in subsection (b), a person proposing a wetland activity in a state regulated wetland must obtain a permit under this chapter to authorize the wetland activity.

(b) A permit is not required for the following wetland activities:

(1) The discharge of dirt, sand, rock, stone, concrete, or other inert fill materials in a de minimis amount.

(2) A wetland activity at a surface coal mine for which the department of natural resources has approved a plan to:

(A) minimize, to the extent practical using best technology currently available, disturbances and adverse effects on fish and wildlife;

(B) otherwise effectuate environmental values; and

(C) enhance those values where practicable.

(3) Any activity listed under Section 404(f) of the Clean Water Act, including:

(A) normal farming, silviculture, and ranching activities, such as plowing, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices;

(B) maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, and bridge abutments or approaches, and transportation structures;

(C) construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance of drainage ditches;

(D) construction of temporary sedimentation basins on a construction site that does not include placement of fill material into the navigable waters; and

(E) construction or maintenance of farm roads or forest roads, or temporary roads for moving mining equipment, where the roads are constructed and maintained, in accordance with best management practices, to assure that:

(i) flow and circulation patterns and chemical and biological characteristics of the navigable waters are not impaired;

(ii) the reach of the navigable waters is not reduced; and

(iii) any adverse effect on the aquatic environment will be otherwise minimized.

(4) The maintenance or reconstruction (as defined in IC 36-9-27-2) of a regulated drain in accordance with IC 36-9-27-29(2) as long as the

work takes place within the current easement, and the reconstruction does not substantially change the characteristics of the drain to perform the function for which it was designed and constructed.

(5) Wetland activities in an exempt isolated wetland, as defined in IC 13-11-2-74.5.

(6) Dredge and fill activities in an ephemeral stream, as defined in IC 13-11-2-72.4.

(7) Dredge and fill activities in a Class II wetland that:

(A) is located within the boundaries of a municipality; and

(B) has an area, as delineated, of not more than three-fourths (3/4) acre.

(e) The goal of the permitting program for wetland activities in state regulated wetlands is to:

(1) promote a net gain in high quality isolated wetlands; and

(2) assure that compensatory mitigation will offset the loss of isolated wetlands allowed by the permitting program.

(c) If a conflict arises between:

(1) the provision in subsection (b)(7) under which dredge and fill activities in a Class II wetland with an area, as delineated, of not more than three-fourths (3/4) acre do not require a permit; and

(2) the provision in section 3(a) of this chapter under which a wetland activity in a Class II wetland with an area, as delineated, of more than three-eighths (3/8) acre require an individual permit;

the exemption in subsection (b)(7) controls.

(d) The development of cropland, as defined in IC 13-11-2-48.5, does not require a permit under this chapter if the cropland has been used for agricultural purposes:

(1) in the five (5) years immediately preceding the development; or

(2) in the ten (10) years immediately preceding the development, if the United States Army Corps of Engineers has issued a jurisdictional determination confirming that the cropland does not contain wetlands subject to federal jurisdiction under Section 404 of the Clean Water Act.

After receiving a jurisdictional determination described in subdivision (2) from the United States Army Corps of Engineers, the department shall notify the person proposing the wetland activity that the development of the cropland used for agricultural purposes in the immediately preceding ten (10) years is exempt from the permit requirement of subsection (a) under subdivision (2).

SECTION 8. IC 13-18-22-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The following shall be authorized by an individual permit: is required to authorize

(1) Wetland activity in a Class II wetland with an area, as delineated, of more than three-eighths (3/8) acre. This subdivision does not apply to the maintenance of a field tile within a Class II wetland under section 4(a)(1).

(2) ☆ Wetland activity in a Class III wetland.

(b) Except as provided in section 4(a) of this chapter, an individual permit is required to authorize a wetland activity in a Class II wetland:

(c) (b) The board shall adopt rules under IC 4-22-2 and

IC 13-14 ~~not later than June 1, 2005~~, to govern the issuance of individual permits by the department under ~~subsections~~ **subsection (a), and (b):**

SECTION 9. IC 13-18-22-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) ~~Wetland activities with minimal impact in Class I wetlands and Class II wetlands, including the activities analogous to those allowed under the nationwide permit program (as published in 67 Fed. Reg. 2077-2089 (2002)), shall be authorized by a general permit rule.~~ **The following shall be authorized by a general permit:**

(b) (1) ~~Wetland activities in Class I wetlands shall be authorized by a general permit rule. The maintenance of a field tile within a Class II wetland. However, the maintenance described in this subdivision may be authorized only if the field tile:~~

(A) is necessary to restore drainage of land adjacent to the wetland; and

(B) does not have the effect of draining the wetland.

(2) The maintenance of a field tile within a Class III wetland. However, the maintenance described in this subdivision may be authorized only if:

(A) the maintenance of the field tile:

(i) is necessary to restore drainage of land adjacent to the wetland; and

(ii) does not have the effect of draining the wetland; and

(B) the applicant obtains a site-specific approval for the maintenance of the field tile under section 12 of this chapter.

(b) The maintenance of a field tile in a Class I wetland does not require a permit.

(c) The board shall adopt rules under IC 4-22-2 and IC 13-14 ~~not later than February 1, 2005~~, to establish and implement the general permits described in ~~subsections~~ **subsection (a), and (b):**

SECTION 10. IC 13-18-22-6, AS AMENDED BY P.L.147-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) Except as otherwise specified in subsections (b) and (c), compensatory mitigation shall be provided in accordance with the following table:

Wetland Class	Replacement Class	On-site and In-lieu Fee Ratio	Off-site Ratio
Class I	Class II or III	1 to 1	1 to 1
Class I	Class I	1.5 to 1	1.5 to 1
Class II	Class III	Nonforested 2 to 1	Nonforested 2.5 to 1
		Nonforested 2 to 1	Nonforested 2.5 to 1
Class II	Class III	Nonforested 2.5 to 1	Nonforested 3 to 1
		Forested	Forested

(b) The compensatory mitigation ratio shall be lowered to one to one (1:1) if the compensatory mitigation is completed before the initiation of the wetland activity.

(c) A wetland that is created or restored as a water of the United States may be used, as an alternative to the creation or restoration of an isolated wetland, as compensatory mitigation for purposes of this section. The replacement class of a wetland that is a water of the United States shall be determined by applying the characteristics of a Class I, Class II, or Class III wetland, as appropriate, to the replacement wetland as if it were an isolated wetland.

(d) The off-site location of compensatory mitigation must be: (1) within:

(A) the same eight (8) digit U.S. Geological Service hydrologic unit code; or

(B) the same county;

as the isolated wetlands subject to the authorized wetland activity; or

(2) within a designated service area established in an in lieu fee mitigation program approved by the United States Army Corps of Engineers.

(e) Exempt isolated wetlands may be used to provide compensatory mitigation for wetlands activities in state regulated wetlands. An exempt isolated wetland that is used to provide compensatory mitigation becomes a state regulated wetland."

Delete pages 7 through 9.

Page 10, delete lines 1 through 11.

Page 11, delete lines 34 through 42, begin a new paragraph and insert:

"SECTION 13. IC 13-18-22-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. (a) A person seeking to engage in maintenance of a field tile within a Class III wetland under section 4(a)(2) of this chapter may apply to the department for a site-specific approval for the activity in accordance with this section and the rules adopted under section 4(c) of this chapter.

(b) An applicant for a site-specific approval under this section must provide information to the department on the need to perform the activity described in subsection (a), including the following:

(1) Information showing the location and area needed to be disturbed within the Class III wetland.

(2) Lack of reasonable alternatives to the disturbance of the area referred to in subdivision (1)."

Page 12, delete lines 1 through 6.

Page 12, delete lines 24 through 36.

Renumber all SECTIONS consecutively.

(Reference is to ESB 389 as printed April 8, 2021.)

LINDAUER

Upon request of Representatives Pryor and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 409: yeas 54, nays 42. Motion prevailed.

HOUSE MOTION

(Amendment 389-4)

Mr. Speaker: I move that Engrossed Senate Bill 389 be amended to read as follows:

Page 1, line 2, delete "[EFFECTIVE JULY 1, 2021]" and insert "[EFFECTIVE JANUARY 1, 2021 (RETROACTIVE)]". (Reference is to ESB 389 as printed April 8, 2021.)

LEONARD

Upon request of Representatives Pryor and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 410: yeas 61, nays 34. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 373

Representative Lehe called down Engrossed Senate Bill 373 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 373-2)

Mr. Speaker: I move that Engrossed Senate Bill 373 be amended to read as follows:

Page 2, line 27, delete "in studying".

Page 2, line 28, delete "and making findings and recommendations".

Page 2, delete lines 40 through 42.

Page 3, delete lines 1 through 14.

Page 3, line 19, delete "2021." and insert "**2021, and before January 1, 2025.**".

Page 3, line 25, delete "that requires the" and insert "**that:**

(1) is established after April 20, 2021, by the Congress of the United States, a federal regulatory agency, or a federal executive order; and

(2) requires the phaseout or discontinuance of a

particular type of electric generating facility, technology, or fuel source."

Page 3, delete lines 26 through 27.

Page 3, line 30, delete "depreciation" and insert **"estimated useful lives"**.

Page 3, line 32, delete "facilities;" and insert **"facilities of the electric utility;"**.

Page 3, line 35, delete "as" and insert **"including depreciation expense associated with such facilities, as"**.

Page 3, line 39, delete "that requires the phaseout or" and insert **"that:**

(1) is established after April 20, 2021, by the Congress of the United States, a federal regulatory agency, or a federal executive order; and

(2) requires the phaseout or discontinuance of a particular type of electric generating facility, technology, or fuel source."

Page 3, delete lines 40 through 41.

Page 4, line 13, delete "The impact of federal phaseout mandates on the" and insert **"With respect to a petition that:**

(A) is for the construction of a new generating facility; and

(B) is submitted to the commission after June 30, 2021, and before January 1, 2025;

the impact of federal phaseout mandates on the estimated useful life of each proposed generating facility included in the petition, including depreciation expense associated with each facility."

Page 4, delete lines 14 through 15.

Page 5, line 15, delete "dioxide" and insert **"sequestration"**.

Renumber all SECTIONS consecutively.

(Reference is to ESB 373 as printed April 8, 2021.)

SOLIDAY

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 353

Representative Wesco called down Engrossed Senate Bill 353 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 325

Representative Manning called down Engrossed Senate Bill 325 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 325-11)

Mr. Speaker: I move that Engrossed Bill 325 be amended to read as follows:

Page 4, line 27, delete "held" and insert **"held, either all or in part,"**.

Page 8, delete lines 28 through 42, begin a new paragraph and insert:

"Sec. 1. As used in this chapter, "health carrier" means the following entities:

(1) An insurer, as defined in IC 27-1-2-3(x), that issues a policy of accident and sickness insurance, as defined in IC 27-8-5-1(a).

(2) A health maintenance organization, as defined in IC 27-13-1-19.

(3) A state employee health plan offered under IC 5-10-8.

(4) A short term insurance plan (as defined by IC 27-8-5.9-3)."

Page 9, delete lines 1 through 7.

Page 9, delete lines 14 through 16, begin a new paragraph and insert:

"(b) The public forum required under subsection (a) may be held, either all or in part, through an interactive real time audio and video meeting that is accessible to the community through the Internet."

Page 9, line 35, delete "profits." and insert **"profits, if the health carrier is publicly traded."**

Page 9, delete line 42, begin a new line double block indented and insert:

"(E) Annual audited financial reports, if required under IC 27-1-3.5-6 and if the health carrier is publicly traded."

Page 10, delete lines 1 through 4.

(Reference is to ESB 325 as printed April 8, 2021.)

MANNING

Motion prevailed.

HOUSE MOTION
(Amendment 325-9)

Mr. Speaker: I move that Engrossed Senate Bill 325 be amended to read as follows:

Page 8, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 13. IC 16-39-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 11. COVID-19 Vaccination Records

Sec. 1. As used in this chapter, "COVID-19" means:

(1) severe acute respiratory syndrome coronavirus 2 or a mutated form of severe acute respiratory syndrome coronavirus 2; or

(2) the disease caused by severe acute respiratory syndrome coronavirus 2 or a mutated form of severe acute respiratory syndrome coronavirus 2.

Sec. 2. As used in this chapter, "vaccination" means the treatment of an individual with a vaccine to produce immunity against COVID-19.

Sec. 3. As used in this chapter, "vaccination status" means the status of an individual in regard to:

(1) having received; or
(2) not having received;

a vaccination.

Sec. 4. A business may not solicit information regarding an individual's vaccination status from a member of the public.

Sec. 5. The state, a local government, or a business may not:

(1) require a member of the public to provide documentation regarding an individual's vaccination status; or

(2) restrict participation in an event occurring in or use of a public area of the premises of the state, local government, or business based on an individual's vaccination status.

Sec. 6. A person who knowingly or intentionally violates section 4 or 5 of this chapter commits a Class A infraction."

Renumber all SECTIONS consecutively.

(Reference is to ESB 325 as printed April 8, 2021.)

Representative Dvorak rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

HOUSE MOTION
(Amendment 325-10)

Mr. Speaker: I move that Engrossed Senate Bill 325 be amended to read as follows:

Page 2, line 20, delete "appropriate capabilities." and insert **"the appropriate level of care under the perinatal level of care designation established under IC 16-21-13."**

Page 2, line 27, delete "inform the:" and insert **"inform:"**.

Page 2, line 28, delete "parents" and insert **"a parent"**.

Page 2, line 29, delete "options and probable outcomes;" and insert **"options;"**.

Page 2, line 30, delete "treatment capabilities;" and insert

"determination of the appropriate level of care under the perinatal level of care designation established under IC 16-21-13;".

Page 2, line 31, after "(2)" insert **"the"**.

Page 2, line 32, delete "options and probable outcomes;" and insert **"options;"**.

Page 2, line 34, delete "treatment capabilities." and insert **"determination of the appropriate level of care under the perinatal level of care designation established under IC 16-21-13."**

Page 2, delete lines 35 through 42, begin a new paragraph and insert:

"(e) Subject to the requirements under the federal Emergency Medical Treatment and Labor Act, a hospital shall determine what perinatal level of care under IC 16-21-13 is appropriate for the born alive infant and mother and arrange for transport consistent with requirements adopted under IC 16-21-13-5."

Page 3, delete lines 1 through 3.

(Reference is to ESB 325 as printed April 8, 2021.)

BARRETT

Motion prevailed.

HOUSE MOTION (Amendment 325-8)

Mr. Speaker: I move that Engrossed Senate Bill 325 be amended to read as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 2. IC 16-18-2-75.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 75.5. "Contracted pharmacy", for purposes of IC 16-21-16.5, has the meaning set forth in IC 16-21-16.5-2.

SECTION 3. IC 16-18-2-167.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 167.5. "Health plan", for purposes of IC 16-21-16.5, has the meaning set forth in IC 16-21-16.5-3.

SECTION 4. IC 16-18-2-179, AS AMENDED BY P.L.99-2007, SECTION 154, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 179. (a) "Hospital", except as provided in subsections (b) through (g), means a hospital that is licensed under IC 16-21-2.

(b) "Hospital", for purposes of IC 16-21, means an institution, a place, a building, or an agency that holds out to the general public that it is operated for hospital purposes and that it provides care, accommodations, facilities, and equipment, in connection with the services of a physician, to individuals who may need medical or surgical services. The term does not include the following:

- (1) Freestanding health facilities.**
- (2) Hospitals or institutions specifically intended to diagnose, care, and treat the following:**
 - (A) Individuals with a mental illness (as defined in IC 12-7-2-117.6).**
 - (B) Individuals with developmental disabilities (as defined in IC 12-7-2-61).**
- (3) Offices of physicians where patients are not regularly kept as bed patients.**
- (4) Convalescent homes, boarding homes, or homes for the aged.**

(c) "Hospital", for purposes of IC 16-22-8, has the meaning set forth in IC 16-22-8-5.

(d) "Hospital", for purposes of IC 16-23.5, has the meaning set forth in IC 16-23.5-1-9.

(e) "Hospital" or "tuberculosis hospital", for purposes of IC 16-24, means an institution or a facility for the treatment of individuals with tuberculosis.

(f) "Hospital", for purposes of IC 16-34, means a hospital (as

defined in subsection (b)) that:

(1) is required to be licensed under IC 16-21-2; or

(2) is operated by an agency of the United States.

(g) "Hospital", for purposes of IC 16-41-12, has the meaning set forth in IC 16-41-12-6.

(h) "Hospital", for purposes of IC 16-21-16 and IC 16-21-16.5, has the meaning set forth in IC 16-21-16-1."

Page 1, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 7. IC 16-18-2-336.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 336.5. "Specialty drug", for purposes of IC 16-21-16 and IC 16-21-16.5, has the meaning set forth in IC 16-21-16-2.

SECTION 8. IC 16-18-2-336.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 336.6. "Specialty drug agreement", for purposes of IC 16-21-16.5, has the meaning set forth in IC 16-21-16.5-4."

Page 4, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 14. IC 16-21-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 16. Administration of Specialty Drugs

Sec. 1. As used in this chapter, "hospital" means a hospital licensed under IC 16-21-2, a county hospital under IC 16-22, and a municipal hospital under IC 16-23, and includes all outpatient facilities in a hospital's network.

Sec. 2. As used in this chapter, "specialty drug" means a prescription drug that is:

- (1) prescribed to an individual with a chronic, complex, rare, or life threatening medical condition;**
- (2) available in injectable, infusion, inhalable, implantable, or oral form; and**
- (3) usually administered by a medical professional.**

Sec. 3. A hospital shall not permit the administration of a specialty drug on the hospital's premises unless the specialty drug is:

- (1) dispensed by a third party pharmacy and delivered directly and safely to the hospital; or**
- (2) dispensed by a pharmacy located within the hospital or another facility in the hospital's network.**

SECTION 15. IC 16-21-16.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 16.5. Specialty Drug Agreements

Sec. 1. This chapter applies to a specialty drug agreement between a hospital and a health plan regarding reimbursement for specialty drugs that is entered into, amended, or renewed after the effective date of this chapter.

Sec. 2. As used in this chapter, "contracted pharmacy" means a pharmacy that has an agreement with a health plan to dispense specialty drugs.

Sec. 3. As used in this chapter, "health plan" means the following:

- (1) A state employee health plan (as defined in IC 5-10-8-7).**
- (2) A policy of accident and sickness insurance (as defined in IC 27-8-5-1).**
- (3) An individual contract (as defined in IC 27-13-1-21) and a group contract (as defined in IC 27-13-1-16).**
- (4) Any other plan or program that provides payment, reimbursement, or indemnification to a covered individual for the cost of prescription drugs.**

Sec. 4. As used in this chapter, "specialty drug agreement" means an agreement between a health plan and a hospital regarding how specialty drugs are reimbursed by the health plan depending on where the specialty drugs are

dispensed.

Sec. 5. A health plan and a hospital may not enter into a specialty drug agreement that requires the hospital to obtain specialty drugs from a contracted pharmacy to be reimbursed, or limits reimbursement based on a contract pharmacy's price schedule for the specialty drugs, unless the following requirements are met:

- (1) The health plan must provide the hospital with written notice that it would like to enter into a specialty drug agreement.
- (2) The health plan must allow for not less than ninety (90) days after the health plan provides the notice described in subdivision (1) for the health plan and the hospital to engage in negotiations regarding the specialty drug agreement.
- (3) If the health plan and the hospital are unable to reach an agreement in the period described in subdivision (2), the health plan may request a review by the state department of the terms of the proposed specialty drug agreement. The state department shall consult with the office of the secretary of family and social services in reviewing the proposed specialty drug agreement. The state department shall render a decision within sixty (60) days of its receipt of a request for review approving or rejecting the terms of the proposed specialty drug agreement. The state department shall approve the proposed specialty drug agreement if it determines the terms of the proposed specialty drug agreement would benefit the population's health outcomes, health care access, and quality of health care. The state department shall consider the following in its review of the proposed specialty drug agreement:

- (A) The quality and price of hospital and health care services provided to Indiana residents, including the demonstration of population health improvement of the region serviced and the extent to which medically underserved populations have access to and are projected to use specialty drugs.
- (B) The preservation of sufficient health care services within the geographic area to ensure public access to acute care.
- (C) The cost efficiency of services, resources, and equipment provided or used by the hospital that is a party to the proposed specialty drug agreement.
- (D) Employment.
- (E) Economic impact.

(4) The state department's decision in subdivision (3) may be appealed by either the health plan or the hospital under IC 4-21.5.

(5) The specialty drug agreement must include provisions to ensure there will be no waste of specialty drugs greater than what would be expected if the specialty drugs were dispensed at the hospital.

Sec. 6. A specialty drug agreement between a health plan and a hospital that is a covered entity authorized to participate in the federal 340B Drug Pricing Program under Section 340(B)(a)(4) of the federal Public Health Service Act (42 U.S.C. 256b(a)(4)) may not require specialty drugs dispensed as part of the 340B program to be dispensed by a contracted pharmacy."

Renumber all SECTIONS consecutively.

(Reference is to ESB 325 as printed April 8, 2021.)

CLERE

Motion prevailed.

HOUSE MOTION
(Amendment 325-13)

Mr. Speaker: I move that Engrossed Senate Bill 325 be amended to read as follows:

Page 3, between lines 14 and 15, begin a new paragraph and

insert:

"SECTION 6. IC 16-21-2-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 18. (a) An order of a federal court that authorizes an abortion clinic to operate in Indiana despite the failure of the abortion clinic to comply with the licensing requirements of Indiana law is null and void.**

(b) The operator of an abortion clinic described in subsection (a) shall immediately cease operations at the abortion clinic and suspend all operations until the abortion clinic is properly licensed under Indiana law.

(c) The continued operation of an unlicensed abortion clinic described in subsection (a) is a threat to the health and safety of Indiana. The state of Indiana shall condemn a property used in violation of this section as an unsafe premises. If an abortion clinic described in subsection (a):

- (1) continues to operate in violation of this section; and**
- (2) fails to comply with all necessary licensing requirements imposed by Indiana law before September 1, 2021;**

the attorney general shall initiate a cause of action to condemn the property and acquire it through the power of eminent domain for destruction or redevelopment for a lawful public purpose.

(d) The state police department shall assist the attorney general in implementing and enforcing this section."

Renumber all SECTIONS consecutively.

(Reference is to ESB 325 as printed April 8, 2021.)

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

HOUSE MOTION
(Amendment 325-7)

Mr. Speaker: I move that Engrossed Senate Bill 325 be amended to read as follows:

Page 8, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 13. IC 25-22.5-5.5-2, AS ADDED BY P.L.93-2020, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 2. To be enforceable, a physician noncompetite agreement must include all of the following provisions:**

(1) A provision that requires the employer of the physician to provide the physician with a copy of any notice that:

(A) concerns the physician's departure from the employer; and

(B) was sent to any patient seen or treated by the physician during the two (2) year period preceding the termination of the physician's employment or the expiration of the physician's contract. Provided, however, the patient names and contact information be redacted from the copy of the notice provided from the employer of the physician to the physician.

(2) A provision that requires the physician's employer to, in good faith, provide the physician's last known or current contact and location information to a patient who:

(A) requests updated contact and location information for the physician; and

(B) was seen or treated by the physician during the two (2) year period preceding the termination of the physician's employment or the expiration of the physician's contract.

(3) A provision that provides the physician with:

(A) access to; or

(B) copies of;

any medical record associated with a patient described in subdivision (1) or (2) upon receipt of the patient's consent.

(4) **Subject to section 2.5 of this chapter**, a provision that provides the physician whose employment has terminated or whose contract has expired with the option to purchase a complete and final release from the terms of the enforceable physician noncompete agreement at a reasonable price. However, in the event the physician elects not to exercise the purchase option, then the option to purchase provision may not be used in any manner to restrict, bar, or otherwise limit the employer's equitable remedies, including the employer's enforcement of the physician noncompete agreement.

(5) A provision that prohibits the providing of patient medical records to a requesting physician in a format that materially differs from the format used to create or store the medical record during the routine or ordinary course of business, unless a different format is mutually agreed upon by the parties. Paper or portable document format copies of the medical records satisfy the formatting provisions of this chapter.

SECTION 14. IC 25-22.5-5.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 2.5. (a) As used in this section, "hospital system" means the following:**

(1) A parent or subsidiary organization of a hospital.
(2) Any entity affiliated through ownership, governance, or membership with a hospital described in subdivision (1).

(b) This section applies to:

(1) a hospital system located in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000); and
(2) a physician who practices primary care and specializes in family medicine.

(c) If the physician's employer is a hospital system and the physician has completed a minimum of eight (8) years of employment with the hospital system, in a provision that provides for a buy out of the physician noncompete agreement the reasonable price of the buy out may not exceed seventy-five thousand dollars (\$75,000).

(d) This section expires July 1, 2023."

Renumber all SECTIONS consecutively.

(Reference is to ESB 325 as printed April 8, 2021.)

JUDY

Motion withdrawn.

HOUSE MOTION (Amendment 325-5)

Mr. Speaker: I move that Engrossed Senate Bill 325 be amended to read as follows:

Page 8, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 13. IC 27-1-24.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 24.7. Disclosure of Prescription Drug Pricing Information

Sec. 1. As used in this chapter, "manufacturer" means a person engaged in manufacturing, preparing, propagating, compounding, or processing a prescription drug.

Sec. 2. As used in this chapter, "prescription drug" means a controlled substance or a legend drug (as defined in IC 16-18-2-199).

Sec. 3. As used in this chapter, "wholesale acquisition cost" means a manufacturer's list price for a prescription drug when sold to a wholesaler or a direct purchaser in the United States, not including any discounts, rebates, or other reductions in price.

Sec. 4. (a) Beginning January 1, 2022, a manufacturer shall submit a report to the commissioner not later than the

fifteenth day of January, April, July, and October of each year. The report must provide the current wholesale acquisition cost for each of the manufacturer's prescription drugs that is:

(1) approved by the federal Food and Drug Administration; and

(2) sold in or into the state by that manufacturer.

(b) The commissioner shall publish the information submitted in the reports required by subsection (a) on an Internet web site. The web site must be accessible through a dedicated link on the home page of the department's Internet web site or by a separate, easily identifiable Internet web site address.

Sec. 5. (a) If the wholesale acquisition cost of a prescription drug increases:

(1) sixty percent (60%) or more over the preceding five (5) calendar years; or

(2) for a prescription drug with a wholesale acquisition cost of seventy dollars (\$70) or more for a thirty (30) day supply, fifteen percent (15%) or more over the preceding twelve (12) months;

the manufacturer shall submit a report to the commissioner not later than thirty (30) days after the increase.

(b) The report required in subsection (a) must contain the following information:

(1) The name of the prescription drug.

(2) Whether the prescription drug is a brand name drug or a generic drug.

(3) The effective date of the change in the wholesale acquisition cost.

(4) The aggregate, company-level research and development costs for the prior calendar year.

(5) The name of each of the manufacturer's prescription drugs that were approved by the federal Food and Drug Administration in the previous five (5) calendar years.

(6) The name of each of the manufacturer's prescription drugs that lost patent exclusivity in the United States in the previous five (5) calendar years.

(7) A statement of rationale describing the factors that caused the increase in the wholesale acquisition cost.

(c) The quality and types of information provided by a manufacturer under this section must be consistent with the quality and types of information the manufacturer provides in its annual consolidated report to the federal Securities and Exchange Commission or any other public disclosure.

(d) Not later than sixty (60) days after the commissioner receives a report under subsection (a), the commissioner shall publish the information contained in the report on the Internet web site described in section 4(b) of this chapter.

Sec. 6. A manufacturer shall notify the commissioner in writing if it is introducing a new prescription drug to market at a wholesale acquisition cost that exceeds the threshold for a specialty drug under the Medicare Part D program. The manufacturer shall provide the written notice not later than three (3) calendar days following the release of the prescription drug in the commercial market. A manufacturer may make the notification pending approval of the federal Food and Drug Administration if commercial availability is expected within three (3) calendar days following the approval.

Sec. 7. The commissioner may adopt rules under IC 4-22-2 to implement this chapter."

Renumber all SECTIONS consecutively.

(Reference is to ESB 325 as printed April 8, 2021.)

AUSTIN

Motion prevailed.

HOUSE MOTION (Amendment 325-2)

Mr. Speaker: I move that Engrossed Senate Bill 325 be

amended to read as follows:

Page 8, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 13. IC 27-1-24.9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 24.9. Disclosure of Rebates Received by Pharmacies

Sec. 1. As used in this chapter, "pharmacy" has the meaning set forth in IC 27-1-24.5-11.

Sec. 2. As used in this chapter, "prescription drug" means a controlled substance or legend drug (as defined in IC 16-18-2-199).

Sec. 3. As used in this chapter, "rebate" means a discount or other price concession that is:

- (1) based on the use of a prescription drug; and
- (2) paid by a manufacturer or a third party to a pharmacy.

Sec. 4. (a) Beginning January 1, 2022, a pharmacy shall submit a report to the commissioner not later than the fifteenth of January, April, July, and October of each year. The report must provide the total amount of rebates received by the pharmacy during the previous quarter.

(b) The commissioner shall publish on the department's Internet web site the information submitted in the reports required by subsection (a). The web site on which the information is published must be accessible by a dedicated link on the home page of the department's Internet web site or by a separate, easily identifiable Internet web site address.

Sec. 5. The commissioner may adopt rules under IC 4-22-2 to implement this chapter."

Renumber all SECTIONS consecutively.

(Reference is to ESB 325 as printed April 8, 2021.)

AUSTIN

Motion prevailed.

HOUSE MOTION
(Amendment 325-1)

Mr. Speaker: I move that Engrossed Senate Bill 325 be amended to read as follows:

Page 8, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 13. IC 27-1-24.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 24.3. Disclosure of Information by Prescription Drug Wholesalers

Sec. 1. As used in this chapter, "prescription drug" means a controlled substance or legend drug (as defined in IC 16-18-2-199).

Sec. 2. As used in this chapter, "wholesaler" means any person engaged in the business of purchasing prescription drugs from manufacturers for resale.

Sec. 3. (a) Beginning January 1, 2022, a wholesaler shall submit a report to the commissioner not later than the fifteenth of January, April, July, and October of each year. The report must provide the following information for the previous quarter:

- (1) The administrative fees paid to the wholesaler for prescription drugs.
- (2) The consignment fees paid to the wholesaler for prescription drugs.
- (3) The amount of basis points charged by the wholesaler for prescription drugs.

(b) The commissioner shall publish on the department's Internet web site the information submitted in the reports required by subsection (a). The web site must be accessible by a dedicated link on the home page of the department's Internet web site or by a separate easily identifiable Internet web site address.

Sec. 4. The commissioner may adopt rules under IC 4-22-2 to implement this chapter."

Renumber all SECTIONS consecutively.

(Reference is to ESB 325 as printed April 8, 2021.)

AUSTIN

Upon request of Representatives Austin and GiaQinta, the Speaker ordered the roll of the House to be called. Roll Call 411: yeas 32, nays 63. Motion failed.

HOUSE MOTION
(Amendment 325-12)

Mr. Speaker: I move that Engrossed Senate Bill 325 be amended to read as follows:

Page 3, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 6. IC 16-21-2-17.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17.5. (a)** As used in this section, "living human being" means an individual who:

- (1) has human physical life as described by IC 16-34-2-1.1(a)(1)(E); and
- (2) has not died.

(b) The state department shall revoke the license of an entity described in IC 16-21-2-2(4) that knowingly and intentionally participates in ending the life of a living human being."

Page 8, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 15. IC 16-34-1-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. The application of this article is subject to IC 16-21-2-17.5."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 325 as printed April 8, 2021.)

NISLY

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that amendment Senate Bill 325-12 violates House Rule 80. The amendment is not in violation of the germaneness rule, because it clearly deals with the broad subject matter of the underlying bill.

JACOB
NISLY

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Karickhoff.

The question was, Shall the ruling of the Chair be sustained? Roll Call 412: yeas 91, nays 3. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION
(Amendment 325-3)

Mr. Speaker: I move that Engrossed Senate Bill 325 be amended to read as follows:

Page 8, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 13. IC 27-1-24.5-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 16.5.** As used in this chapter, "spread pricing" means a model of prescription drug pricing by which:

- (1) a pharmacy benefit manager charges a plan

sponsor a contracted price for a prescription drug; and
 (2) that contracted price differs from the amount the pharmacy benefit manager directly or indirectly pays:
 (A) a pharmacy or pharmacist for the prescription drug; or
 (B) for pharmacist services related to the prescription drug.

SECTION 14. IC 27-1-24.5-19, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2021 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. (a) A pharmacy benefit manager shall provide equal access and incentives to all pharmacies within the pharmacy benefit manager's network.

(b) A pharmacy benefit manager may not do any of the following:

- (1) Condition participation in any network on accreditation, credentialing, or licensing of a pharmacy, ~~provider that~~, other than a license or permit required by the Indiana board of pharmacy or other state or federal regulatory authority for the services provided by the pharmacy. However, nothing in this subdivision precludes the department from providing credentialing or accreditation standards for pharmacies.
- (2) Discriminate against any pharmacy. ~~provider.~~
- (3) Directly or indirectly retroactively deny a claim or aggregate of claims after the claim or aggregate of claims has been adjudicated, unless any of the following apply:
 - (A) The original claim was submitted fraudulently.
 - (B) The original claim payment was incorrect because the pharmacy or pharmacist had already been paid for the drug.
 - (C) The pharmacist services were not properly rendered by the pharmacy or pharmacist.
- (4) Reduce, directly or indirectly, payment to a pharmacy for pharmacist services to an effective rate of reimbursement, including permitting an insurer or plan sponsor to make such a reduction.
- (5) Reimburse a pharmacy that is affiliated with the pharmacy benefit manager, other than solely being included in the pharmacy benefit manager's network, at a greater reimbursement rate than other pharmacies in the same network.
- (6) Engage in spread pricing.
- (7) Violate IC 27-8-11-12(f).
- (8) Violate IC 27-13-15-6(f).

A violation of this subsection by a pharmacy benefit manager constitutes an unfair or deceptive act or practice in the business of insurance under IC 27-4-1-4."

Renumber all SECTIONS consecutively.
 (Reference is to ESB 325 as printed April 8, 2021.)

HATFILED

Upon request of Representatives Pryor and Porter, the Speaker ordered the roll of the House to be called. Roll Call 413: yeas 32, nays 60. Motion failed.

HOUSE MOTION (Amendment 325-15)

Mr. Speaker: I move that Engrossed Senate Bill 325 be amended to read as follows:

Page 8, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 13. IC 16-39-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 11. Coerced Release of Health Information

Sec. 1. As used in this chapter, "invasive test" means any of the following forms of testing to determine previous or current infection:

- (1) A nasal swab.

- (2) Blood testing.

- (3) Any other procedure by means of penetrating the skin or a body opening.

Sec. 2. As used in this chapter, "proof of immunity" means showing evidence of an antibody or other methods to demonstrate that an individual is not likely to become infected or carry a disease or illness.

Sec. 3. As used in this chapter, "vaccination" means the treatment of an individual with a vaccine or other measure intended to produce immunity.

Sec. 4. As used in this chapter, "vaccination status" means the status of an individual in regard to:

- (1) having received;
- (2) not having received; or
- (3) intent to receive;

a vaccination.

Sec. 5. A hospital, a physician's office, a business, a health official, or a state or local government agency may not coerce an individual to release information regarding an individual's:

- (1) vaccination status;
- (2) proof of immunity; or
- (3) results from an invasive medical test;

in order to enter or participate in a gathering or an event.

Sec. 6. A person who knowingly or intentionally violates section 5 of this chapter commits a Class A misdemeanor."

Page 10, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 15. IC 35-52-16-35.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 35.5. IC 16-39-11-6 defines a crime concerning the coerced release of health information."

Renumber all SECTIONS consecutively.

(Reference is to ESB 325 as printed April 8, 2021.)

NISLY

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that amendment Senate Bill 325-15 violates House Rule 80. The amendment is not in violation of the germaneness rule, because it clearly deals with the broad subject matter of the underlying bill.

NISLY
 JACOB

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Karickhoff.

The question was, Shall the ruling of the Chair be sustained? Roll Call 414: yeas 88, nays 2. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION

(Amendment 325-4)

Mr. Speaker: I move that Engrossed Senate Bill 325 be amended to read as follows:

Page 10, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 14. IC 27-8-5-32 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: Sec. 32. (a) As used in this section, "covered individual" means an individual who is entitled to coverage under a policy of accident and sickness insurance.

(b) As used in this section, "defined cost sharing" means a deductible payment or coinsurance amount imposed on an insured for a covered prescription drug under the covered individual's policy of accident and sickness insurance.

(c) As used in this section, "insurer" means an insurer that issues a policy of accident and sickness insurance.

(d) As used in this section, "price protection rebate" means a negotiated price concession that accrues directly or indirectly to an insurer or another party on behalf of an insurer if there is an increase in the wholesale acquisition cost of a prescription drug above a specified threshold.

(e) As used in this section, "rebate" means a discount or other negotiated price concession, including base price concessions (whether described as a "rebate" or otherwise), price protection rebates, and performance based price concessions, that may accrue directly or indirectly or are anticipated to be passed through to an insurer from a manufacturer, dispensing pharmacy, or other party in connection with the dispensing or administration of a prescription drug to reduce the insurer's liability for the prescription drug.

(f) A covered individual's defined cost sharing for a prescription drug must be:

- (1) calculated at the point of sale; and
- (2) based on a price that is reduced by an amount equal to at least eighty-five percent (85%) of all rebates received or estimated to be received by the insurer in connection with the dispensing or administration of the prescription drug.

(g) Nothing in this section prohibits an insurer from decreasing a covered individual's defined cost sharing by an amount greater than the amount required under subsection (f).

(h) The department of insurance may enforce the requirements of this section to the extent permissible under applicable law.

(i) The commissioner may take appropriate action to enforce this section by imposing a civil penalty not to exceed ten thousand dollars (\$10,000) per violation.

(j) In complying with the requirements of this section, an insurer or an insurer's agent may not publish or otherwise reveal information regarding the actual amount of rebates the insurer receives on a product, manufacturer, or pharmacy specific basis. This information is protected as a trade secret (as defined in IC 24-2-3-2) and may not be published or otherwise disclosed directly or indirectly.

SECTION 15. IC 27-13-7-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: Sec. 28. (a) As used in this section, "defined cost sharing" means a deductible payment or coinsurance amount imposed on an enrollee for a covered prescription drug under the enrollee's health maintenance organization contract.

(b) As used in this section, "enrollee" has the meaning set forth in IC 27-13-1-12.

(c) As used in this section, "health maintenance organization" has the meaning set forth in IC 27-13-1-19. The term includes a limited service health maintenance organization and a person that administers health care service benefits on behalf of a health maintenance organization or a limited service health maintenance organization.

(d) As used in this section, "price protection rebate" means a negotiated price concession that accrues directly or indirectly to a health maintenance organization or other party on behalf of the health maintenance organization if there is an increase in the wholesale acquisition cost of a prescription drug above a specified threshold.

(e) As used in this section, "rebate" means a discount or other negotiated price concession, including base price concessions (whether described as a "rebate" or otherwise),

price protection rebates, and performance based price concessions, that may accrue directly or indirectly or are anticipated to be passed through to a health maintenance organization from a manufacturer, dispensing pharmacy, or other party in connection with the dispensing or administration of a prescription drug to reduce the health maintenance organization's liability for the prescription drug.

(f) An enrollee's defined cost sharing for a prescription drug must be:

- (1) calculated at the point of sale; and
- (2) based on a price that is reduced by an amount equal to at least eighty-five percent (85%) of all rebates received or estimated to be received by the health maintenance organization in connection with the dispensing or administration of the prescription drug.

(g) Nothing in this section prohibits a health maintenance organization from decreasing an enrollee's defined cost sharing by an amount greater than the amount required under subsection (f).

(h) The department of insurance may enforce the requirements of this section to the extent permissible under applicable law.

(i) The commissioner may take appropriate action to enforce this section by imposing a civil penalty not to exceed ten thousand dollars (\$10,000) per violation.

(j) In complying with the requirements of this section, a health maintenance organization or a health maintenance organization's agent may not publish or otherwise reveal information regarding the actual amount of rebates the health maintenance organization receives on a product, manufacturer, or pharmacy specific basis. This information is protected as a trade secret (as defined in IC 24-2-3-2) and may not be published or otherwise disclosed directly or indirectly."

Renumber all SECTIONS consecutively.

(Reference is to ESB 325 as printed April 8, 2021.)

HATFILED

Upon request of Representatives Dvorak and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 415: yeas 32, nays 59. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 310

Representative Smaltz called down Engrossed Senate Bill 310 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 310-1)

Mr. Speaker: I move that Engrossed Senate Bill 310 be amended to read as follows:

Page 1, line 14, delete "if:" and insert "if".

Page 1, line 15, delete "(1)".

Page 1, line 17, delete "IC 7.1-5-7-11(a)(29);" and insert "IC 7.1-5-7-11(a)(29),".

Page 2, line 1, delete "(2)".

Page 1, run in line 14 through page 2, line 2.

(Reference is to ESB 310 as printed April 5, 2021.)

SMALTZ

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 301

Representative DeVon called down Engrossed Senate Bill 301 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 301-2)

Mr. Speaker: I move that Engrossed Senate Bill 301 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and

insert:

"SECTION 1. IC 2-5-1.3-4, AS AMENDED BY P.L.231-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The following interim study committees are established:

- (1) Agriculture and Natural Resources.
- (2) Commerce and Economic Development.
- (3) Corrections and Criminal Code.
- (4) Courts and the Judiciary.
- (5) Education.
- (6) Elections.
- (7) Employment and Labor.
- (8) Energy, Utilities, and Telecommunications.
- (9) Environmental Affairs.
- (10) Financial Institutions and Insurance.
- (11) Government.
- (12) Public Safety and Military Affairs.
- (13) Pension Management Oversight.
- (14) Public Health, Behavioral Health, and Human Services.
- (15) Public Policy.
- (16) Roads and Transportation.
- (17) Fiscal Policy.
- (18) Child Services.**

SECTION 2. IC 2-5-1.3-5, AS ADDED BY P.L.53-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **Except as provided in section 5.1 of this chapter**, a study committee has the following members:

- (1) Four (4) members of the senate, appointed by the president pro tempore, who preferably are members of the standing committee of the senate that has subject matter jurisdiction most closely relating to the subject matter for the study committee, as determined by the president pro tempore.
- (2) Three (3) members, appointed by the minority leader of the senate, who preferably are members of the standing committee of the senate that has subject matter jurisdiction most closely relating to the subject matter for the study committee, as determined by the president pro tempore.
- (3) Four (4) members, appointed by the speaker, who preferably are members of the standing committee of the house of representatives that has subject matter jurisdiction most closely relating to the subject matter for the study committee, as determined by the speaker.
- (4) Three (3) members, appointed by the minority leader of the house of representatives, who preferably are members of the standing committee of the house of representatives that has subject matter jurisdiction most closely relating to the subject matter for the study committee, as determined by the speaker.
- (5) The members (if any) appointed under section 6 of this chapter.

SECTION 3. IC 2-5-1.3-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.1. (a) The interim study committee on child services consists of sixteen (16) members appointed as follows:**

- (1) Three (3) members of the senate appointed by the president pro tempore of the senate.**
- (2) Two (2) members of the senate appointed by the minority leader of the senate.**
- (3) Three (3) members of the house of representatives appointed by the speaker of the house of representatives.**
- (4) Two (2) members of the house of representatives appointed by the minority leader of the house of representatives.**
- (5) Two (2) individuals who are not members of the general assembly, appointed by the president pro**

tempore of the senate.

(6) Two (2) individuals who are not members of the general assembly, appointed by the speaker of the house of representatives.

(7) A juvenile court judge appointed by the chief justice.

(8) One (1) individual appointed by the governor.

The members of the general assembly appointed under this subsection must be members of either the senate committee on family and children services or the house committee on family, children, and human affairs. The individuals appointed under subdivisions (5) and (6) must be experts in the area of family and child services.

(b) If a legislative member of the interim study committee on child services ceases to be a member of the chamber from which the member was appointed, the member also ceases to be a member of the committee.

SECTION 4. IC 2-5-1.3-13, AS AMENDED BY P.L.138-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) A study committee shall study the issues assigned by the legislative council that are within the subject matter for the study committee, as described in section 4 of this chapter.

(b) In addition to the issues assigned under subsection (a), the interim study committee on roads and transportation shall advise the bureau of motor vehicles regarding the suitability of a special group (as defined in IC 9-13-2-170) to receive a special group recognition license plate for the special group (as defined in IC 9-13-2-170) for the first time under IC 9-18.5-12-4 and the suitability of a special group (as defined in IC 9-13-2-170) to continue participating in the special group recognition license plate program under IC 9-18.5-12-5.

(c) In addition to the issues assigned under subsection (a), the interim study committee on corrections and criminal code shall review current trends with respect to criminal behavior, sentencing, incarceration, and treatment and may:

- (1) identify particular needs of the criminal justice system that can be addressed by legislation; and
- (2) prepare legislation to address the particular needs found by the committee.

(d) In each even-numbered year, in addition to the issues assigned under subsection (a), the interim study committee on courts and the judiciary shall review, consider, and make recommendations concerning all requests for new courts, new judicial officers, and changes in jurisdiction of existing courts. A request under this subsection must include at least the following information to receive full consideration by the committee:

- (1) The level of community support for the change, including support from the local fiscal body.
- (2) The results of a survey that shall be conducted by the county requesting the change, sampling members of the bar, members of the judiciary, and local officials to determine needs and concerns of existing courts.
- (3) Whether the county is already using a judge or magistrate from an overserved area of the judicial district.
- (4) The relative severity of need based on the most recent weighted caseload measurement system report published by the office of judicial administration.
- (5) Whether the county is using any problem solving court as described in IC 33-23-16-11, and, if so, the list of problem solving courts established in the county, and any evaluation of the impact of the problem solving courts on the overall judicial caseload.
- (6) A description of the:
 - (A) county's population growth in the ten (10) years before the date of the request; and
 - (B) projected population growth in the county for the ten (10) years after the date of the request, to the extent available;

and any documentation to support the information provided under this subdivision.

(7) A description of the county's use of pre-incarceration diversion services and post-incarceration reentry services in an effort to decrease recidivism.

(8) If the request is a request for a new court or new courts, an acknowledgment from the county fiscal body (as defined in IC 36-1-2-6) with the funding sources and estimated costs the county intends to pay toward the county's part of the operating costs associated with the new court or new courts.

The office of judicial administration shall post the list of required information provided under this subsection on its Internet web site.

(e) In each even-numbered year, in addition to the issues assigned under subsection (a), the interim study committee on courts and the judiciary shall review the most recent weighted caseload measurement system report published by the office of judicial administration and do the following:

(1) Identify each county in which the number of courts or judicial officers exceeds the number used by the county in that report year.

(2) Determine the number of previous report years in which the number of courts or judicial officers in a county identified in subdivision (1) exceeded the number used by the county in that particular report year.

(3) Make a recommendation on whether the number of courts or judicial officers in the county should be decreased.

The office of judicial administration shall post a list of the number of courts or judicial officers used in each county for each report year, and the number of years in which the number of courts or judicial officers in the county has exceeded the number used by the county, on its Internet web site.

(f) In addition to studying the issues assigned under subsection (a), the interim study committee on child services shall:

(1) review the annual reports submitted by:

(A) each local child fatality review team under IC 16-49-3-7;

(B) the statewide child fatality review committee under IC 16-49-4-11; and

(C) the department of child services under IC 31-25-2-24;

during the immediately preceding twelve (12) month period, and may make recommendations regarding changes in policies or statutes to improve child safety; and

(2) report to the legislative council before November 1 of each interim, in an electronic format under IC 5-14-6, the results of:

(A) the committee's review under subdivision (1); and

(B) the committee's study of any issue assigned to the committee under subsection (a)."

Delete pages 2 through 4.

Page 5, delete lines 1 through 4.

Page 5, delete lines 27 through 42.

Delete page 6.

Page 7, delete lines 1 through 7.

Page 7, line 24, after "of the" insert "annual".

Page 7, delete lines 37 through 42, begin a new paragraph and insert:

"SECTION 6. IC 31-25-2-24, AS AMENDED BY P.L.98-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) Before December 31 of each year, the department shall annually prepare a report concerning all child fatalities in Indiana that are the result of child abuse or neglect in the preceding calendar year. The report must include the following information:

(1) A summary of the information gathered concerning child fatalities resulting from abuse or neglect.

(2) Demographic information regarding victims, perpetrators, and households involved in child fatalities resulting from abuse or neglect.

(3) An analysis of the primary risk factors involved in child fatalities resulting from abuse or neglect.

(4) A summary of the most frequent causes of child fatalities resulting from abuse or neglect.

(5) A description of the manner in which the information was assembled.

The department shall post the report prepared under this section on the department's Internet web site.

(b) As part of the summary of information described in subsection (a)(1), the report must include whether the death occurred in either any of the following settings: apply:

(1) The child's death occurred while the child was placed in foster care.

(2) The child's death occurred after the child, who was once placed in foster care, was returned to a natural parent.

(3) The child was a ward of the department at the time of the event that led to the child's death.

(c) Not later than January 31 of each year, the department shall provide to the executive director of the legislative services agency, for distribution to the interim study committee on child services, a copy of the most recent annual report prepared by the department under this section. The report provided to the executive director of the legislative services agency under this subsection must be in an electronic format under IC 5-14-6."

Delete pages 8 through 9.

Page 10, delete lines 1 through 10, begin a new paragraph and insert:

"SECTION 10. [EFFECTIVE UPON PASSAGE] (a) The general assembly urges the legislative council to assign to the interim study committee on child services established by IC 2-5-1.3-4, as amended by this act, or to another appropriate study committee, during the 2021 legislative interim the topic of amending the Indiana Code to provide for a structured, limited, confidential process by which members of the general assembly may, in the regular course of legislative duties, individually request and view reports and other materials described in IC 31-33-18-1, while protecting personally identifying information and confidentiality.

(b) This SECTION expires January 1, 2022.

SECTION 11. [EFFECTIVE UPON PASSAGE] (a) The general assembly urges the legislative council to assign to the interim study committee on child services established by IC 2-5-1.3-4, as amended by this act, or to another appropriate study committee, during the 2021 legislative interim the topic of the child fatality review process.

(b) If the legislative council assigns the topic under subsection (a) to a study committee, the department of child services and the state department of health shall make recommendations to the study committee with regard to improving reporting and data collection.

(c) This SECTION expires January 1, 2022."

Renumber all SECTIONS consecutively.

(Reference is to ESB 301 as printed April 1, 2021.)

DEVON

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 245

Representative Smaltz called down Engrossed Senate Bill 245 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 245-1)

Mr. Speaker: I move that Engrossed Senate Bill 245 be amended to read as follows:

Page 8, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 14. IC 4-32.3-6-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 0.5. (a) If a qualified organization is renewing a license issued under this article, the accounting period for the license ends on the last day of the calendar month that is two (2) months before the calendar month in which the license expires.**

(b) If a qualified organization is not renewing a license issued under this article, the accounting period for the license ends on the day the license expires."

Page 9, line 28, after "Sec. 3." delete "(a)".

Page 9, delete lines 35 through 38.

Re-number all SECTIONS consecutively.

(Reference is to ESB 245 as printed April 5, 2021.)

BARTELS

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 205

Representative DeVon called down Engrossed Senate Bill 205 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 205-2)

Mr. Speaker: I move that Engrossed Senate Bill 205 be amended to read as follows:

Page 2, delete lines 26 through 31, begin a new line block indented and insert:

"(1) is at least twenty-six (26) years of age;"

Page 3, delete lines 21 through 27, begin a new line block indented and insert:

"(4) successfully completes a Praxis Subject Assessment;"

Page 3, between lines 31 and 32, begin a new paragraph and insert:

"(b) The individual must complete a one (1) year clinical experience program during the individual's first year in the classroom when the individual is employed as a full-time teacher. The provider must:

- (1) provide the clinical experience program at no cost to the state or to the school corporation, charter school, or state accredited nonpublic school; and**
- (2) as part of the clinical instruction program, provide instruction in:**

- (A) instructional design and planning;**
- (B) effective instructional delivery;**
- (C) classroom management and organization;**
- (D) effective use of assessment data;**
- (E) content in federal and Indiana special education laws; and**
- (F) required awareness, preparation, and understanding of:**

- (i) individualized education programs;**
- (ii) service plans developed under 511 IAC 7-34;**
- (iii) choice special education plans developed under 511 IAC 7-49; and**
- (iv) plans developed under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794."**

Page 3, line 32, delete "(b)" and insert "(c)".

Page 3, line 37, delete "(c)" and insert "(d)".

Page 3, line 42, delete "(d)" and insert "(e)".

Page 4, delete lines 4 through 24, begin a new paragraph and insert:

"(f) An individual who receives an initial practitioner license under this section shall be treated in the same manner as an individual who receives an initial practitioner license after completing a traditional teacher preparation

program."

Page 4, line 25, delete "(f)" and insert "(g)".

Page 4, line 30, delete "(g)" and insert "(h)".

Page 4, line 31, after "not" insert **"teach a special education course or"**.

Page 4, delete lines 34 through 42, begin a new paragraph and insert:

"(i) A school corporation, charter school, or state accredited nonpublic school shall submit a plan to the department if the school corporation, charter school, or state accredited nonpublic school hires one (1) or more individuals who have received an initial practitioner license under this section. The plan must be submitted in a manner prescribed by the department and must include a description of how the school corporation, charter school, or state accredited nonpublic school will, excluding the clinical experience program described in subsection (b), provide an individual who receives an initial practitioner license under this section opportunities to obtain exposure to classroom management and instructional techniques, including meaningful exposure to special education. The plan is a public record.

(j) Not later than July 1, 2024, the department shall prepare a report that shall be submitted to the general assembly in an electronic format under IC 5-14-6. The report must contain the following information:

(1) Data showing how many teachers obtained an initial practitioner license under this section.

(2) A description of the number of teachers who received an initial practitioner license under this section who are currently employed as a teacher by each:

(A) school corporation;

(B) charter school; or

(C) state accredited nonpublic school.

The description must include a breakdown of the subjects taught by teachers who receive an initial practitioner license under this section.

(3) A comparison of the Praxis Subject Assessment pass rates for individuals who receive an initial practitioner license under this section in comparison with the Praxis Subject Assessment pass rates for teachers who obtained an initial practitioner license using a different pathway to licensure.

(4) A description of how many teachers who received an initial practitioner license under this section are rated as effective or highly effective."

Page 5, delete lines 1 through 10.

(Reference is to ESB 205 as printed April 8, 2021.)

CLERE

Motion prevailed. The bill was ordered engrossed.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1395 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

EBERHART

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1447 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

VERMILION

Motion prevailed.

MESSAGE FROM THE GOVERNOR

Date: April 9, 2021

Dear Members and Speaker of the House:

By the authority vested in me as governor of the State of Indiana pursuant to the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto House Enrolled Act No.1123 (HEA1123), enacted during the regular session of the 122nd General Assembly.

I am vetoing HEA 1123 because I firmly believe a central part of this bill is unconstitutional. The legislation impermissibly attempts to give the General Assembly the ability to call itself into a special session, thereby usurping a power given exclusively to the governor under Article 4, Section 9 of the Indiana Constitution. As such, it seeks to accomplish that which the Indiana Constitution clearly prohibits.

This part of the bill also violates the separation of powers principle enshrined in Article 3, Section 1, of the Indiana Constitution because it constitutes a legislative encroachment on the governor's power as head of the executive branch. In addition, well-established Indiana case law zealously protects each branch of state government from intrusion by another.

If HEA1123 becomes law and can be used by the General Assembly, it will create significant uncertainty and solidify the controversy over its constitutionality. This is a matter of immediate and substantial public interest. In addition, any legislative actions taken during an unconstitutional special session will be void and thus open and subject to legal challenges to set them aside. Government should serve as a steady foundation during a time of crisis. Avoidable legal challenges during a state of emergency will only serve to be disruptive to our state.

I do want to be clear that I support efforts to increase partnership and collaboration between the legislative and executive branches during states of emergency. I will remain willing to work with the General Assembly to address their concerns to represent our shared constituents during declared states of emergency.

Sincerely,
Eric J Holcomb
Governor

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Vermilion be added as cosponsor of Engrossed Senate Bill 259.

CLERE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative O'Brien be added as cosponsor of Engrossed Senate Bill 377.

SOLIDAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Andrade, Austin, Bartlett, M. Bauer, Boy, Campbell, DeLaney, Dvorak, Fleming, GiaQuinta, Gore, Hamilton, Harris, Hatcher, Hatfield, Jackson, Johnson, Klinker, Moed, Moseley, Pack, Pfaff, Pierce, Porter, Pryor, Shackelford, V. Smith and Summers be added as

coauthors of House Bill 19.

ERRINGTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hamilton be removed as coauthor of House Bill 1055 and Representatives Teshka, Dvorak and M. Bauer be added as coauthor.

T. BROWN

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1119, 1447 and 1514 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1432 and 1462 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 21 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 94, 144, 177, 187, 234, 263 and 304.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1198:

Conferees: Young and Taylor
Advisors: Sandlin and Tallian

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1365:

Conferees: Jon Ford and J.D. Ford
Advisors: Walker and Qaddoura

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to

confer on Engrossed House Bill 1421:

Conferees: L. Brown and Yoder
Advisors: Charbonneau and Breaux

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 54:

Conferees: Leising, Chairman; and Melton
Advisors: Donato and J.D. Ford

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 175:

Conferees: Messmer, Chairman; and Niezgodski
Advisors: Alting and Breaux

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 336:

Conferees: Freeman, Chairman; and Randolph
Advisors: M. Young and Lanane

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 383:

Conferees: Holdman, Chairman; and Qaddoura
Advisors: Buchanan and Niezgodski

JENNIFER L. MERTZ
Principal Secretary of the Senate

On the motion of Representative Andrade, the House adjourned at 7:32 p.m., this twelfth day of April, 2021, until Tuesday, April 13, 2021, at 10:00 a.m.

TODD M. HUSTON
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives